



FREEDOM OF INFORMATION AND PRIVACY ACTS

SUBJECT: Roy M. Cohn

FILE NUMBER: 62-97564

PART: 21 of 23



FEDERAL BUREAU OF INVESTIGATION

SUBJECT Ray M. Cohn
FILE NUMBER 62-97564
SECTION NUMBER 4

55 pages

September 16, 1969

EX-104

REC-66

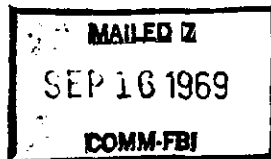
62-77534-101

Mr. Roy M. Cohn
39 East 68th Street
New York, New York 10021

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5-10-88 BY 9804 JF/ab
274,508

Dear Roy:

I received your letter, with enclosures,
on September 15th and appreciate the interest which prompted
you to furnish this material. Your generous comments
regarding me are indeed gratifying.



Sincerely,
Edgar

NOTE: Mr. Cohn is on the Special Correspondents List and known to the Director on a first-name basis. The numerous enclosures include a Notice of Motion for dismissal of indictment or a continuance of the trial for one year dated September 3rd from his attorneys. Also included are an affidavit and supplemental affidavit in support of Mr. Cohn furnished by Thomas A. Bolan dated 9-3 and 4-69, respectively. Bolan is one of Mr. Cohn's attorneys. The affidavit of September 3rd includes numerous Exhibits, some of which are a copy of the 9-5-69 "Life" magazine article, a "Life" magazine press release of 8-31-69 regarding the above article, a copy of the clipping from the "New York Times," a copy of a statement read by Mr. Cohn to the Grand Jury on 1-4-68 and other memoranda and copies of newspaper clippings regarding this matter. The supplemental affidavit, prepared also by Mr. Bolan, includes a copy of a clipping in the "New York Times" and from "The Wall Street Journal."

Rec
b7c
Tolson _____
DeLoach _____
Mohr _____
Bishop _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holloman _____
Gandy _____

66 SEP 30 1969
MAIL ROOM ☐ TELETYPE UNIT ☐

Mr. Tolson	
Mr. DeLoach	
Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	

September 8, 1969

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5-10-88 BY SP8 JF/ab
274,508

Dear Mr. Hoover -

When I started fighting Communism as a young voice in the wilderness of the Justice Department, I suppose I realized that those who did not like what I was doing would be after me for a long time. I have become used to it - but when I see the wholly unfair and unjustified attempt to involve someone such as you in their political machinations, I am embarrassed and angry.

I know your perception is such that you can smell through antics like theirs, but I wanted you to know from me my feeling of personal concern.

You are such a great institution up and down this nation, that I hate to see you diverted or annoyed for even a minute - thus my sense of deep regret.

For your information, I am enclosing copies of our answering papers.

Respectfully,

Roy (M. Cohn)

REC- 66-62-97564-101

10 SEP 26 1969

EXP. PROC.
SEP 15 1969

ant
conf
9-16-69

b7c

COPY:hcv

ENC. BEHIND FILE

ENCLOSURE

b7c

Roy M. Cohn
39 East 68th Street
New York, N.Y. 10021

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5-20-87 BY SP-14 JAL
#274,508

September 8, 1969

Dear Mr. Hoover -

When I started fighting Communism as a young voice in the wilderness of the Justice Department, I suppose I realized that those who did not like what I was doing would be after me for a long time. I have become used to it - but when I see the wholly unfair and unjustified attempt to involve someone such as you in their political machinations, I am embarrassed and angry.

I know your perception is such that you can smell through antics like these, but I wanted you to know from me my feeling of personal concern.

You are such a great institution up and down this nation, that I hate to see you divided or annoyed for even a minute - thus my sense of deep regret.

For your information, I am enclosing copies of our answering papers. *Don't*
Respectfully,
RM

b7c

INVESTIGATIVE DIVISION

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5-10-88 BY SP2

SA Jones will appear for pretrial hearing 9/17/69, in accordance with request of AUSA. SA Jones is one of three Agents transferred out of New York for furnishing affidavits to U. S. Attorney's office on own volition and without Bureau knowledge.

ASAC [redacted] SL
Admiral [redacted] 1:40 pm
Admiral [redacted] 9-16-69 JH

62-97564-102

ENCLOSURE

SEP 18 1969

FROM NEW YORK 2P

①
ROY COHN, INFORMATION CONCERNING.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5-19-81 BY SP2

Mr. Tolson ✓
Mr. DeLoach ✓
Mr. Mohr ✓
Mr. Bishop ✓
Mr. Casper ✓
Mr. Callahan ✓
Mr. Conrad ✓
Mr. Felt ✓
Mr. Gale ✓
Mr. Rosen ✓
Mr. Sullivan ✓
Mr. Tavel ✓
Mr. Trotter ✓
Tele. Room ✓
Miss Holmes ✓
Miss Gandy ✓

ON NINE FIFTEEN SIXTYNINE ASSISTANT UNITED STATES ATTORNEY
(AUSA) PAUL L. PERITO, SOUTHERN DISTRICT OF NEW YORK (SDNY),
TELEPHONICALLY ADVISED THAT THE FEDERAL PROSECUTION
PENDING AGAINST ROY COHN IS SCHEDULED FOR TRIAL IN
UNITED STATES DISTRICT COURT, SDNY, ON SEPTEMBER TWENTY-
THREE, NINETEEN SIXTY-NINE.

PERITO ADVISED ONE OF THE PRINCIPAL WITNESSES IN THIS CASE IS BERT REICHER, A FORMER ~~STATE~~ ^{INTERNAL SECURITY} ~~AND~~ ^{AND} ~~ASSIGNED BY~~ ^{ASSIGNED TO THE} ~~ST. LOUIS~~ ^{ST. LOUIS}

PERITO STATED THAT INFORMATION PREVIOUSLY FURNISHED BY REICHER HAS BEEN REDUCED TO THIRTY-FIVE HUNDRED MATERIAL AND TURNED OVER TO THE DEFENSE. REICHER IS SCHEDULED TO APPEAR AT THE OFFICE OF THE UNITED STATES ATTORNEY, SDNY, ON SEPTEMBER SEVENTEEN, NINETEEN SIXTY-NINE, FOR PRE-TRIAL CONFERENCE, AND

END PAGE ONE

REC-63

62-97564-109

SEP 29 1969

PAGE TWO

REQUESTED THAT SA DONALD E. JONES ALSO BE PRESENT AT THAT TIME TO ASSIST IN THE PRE-TRIAL CONFERENCE.

PERITO STATED THAT THE GOVERNMENT DOES NOT INTEND AT THIS TIME TO CALL SA JONES FOR DIRECT TESTIMONY, HOWEVER, POINTED OUT THAT ROY COHN IN PAPERS PREVIOUSLY FILED HAS INDICATED THAT IF THE GOVERNMENT DOES NOT CALL SA JONES, HE WILL CALL SA JONES AS A WITNESS.

PERITO STATED THE GOVERNMENT INTENDS TO CALL SA JONES AS REBUTTAL WITNESS TO TESTIMONY FURNISHED BY MILTON POLLOCK, WHO HAS FURNISHED AFFIDAVITS IN THIS CASE.

UACB, SA JONES WILL APPEAR AT THE OFFICE OF USA, SDNY, AT NINE A.M. SEPTEMBER SEVENTEEN NEXT.

END

WA...LRC

FBI WASH DC

cc Rosen

VIA TELETYPE
SEP 26 1969
ENCIPHERED

Mr. Tolson	_____
Mr. DeLoach	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

WA -20- 915PM URGENT 9-26-69 DCC
TO DIRECTOR CODE
FROM NEW YORK

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5-14-88 BY SP8 JBT

ROY COHN, INFO CONCERNING.

RE BUAIRTEL NINE TWENTYFOUR LAST.

NY'S FILE ON FORMER PCI BERNARD REICHER WAS FURNISHED
TO AUSA PAUL L. PERITO, SDNY FOR REVIEW ON SEPTEMBER TWENTYFOUR
LAST. REVIEW BY PERITO AND OTHER AUSA'S LASTED SEVERAL HOURS.

AT PERITO'S REQUEST FILE WAS RETURNED TO SDNY ON
NINE TWENTYFIVE LAST AND RETURNED AGAIN ON NINE TWENTYSIX INSTANT
FOR ADDITIONAL REVIEW.

PERITO ADVISED THIS DATE THAT HE WILL REQUIRE ADDITIONAL
TIME TO COMPLETE HIS REVIEW. HE REQUESTED THAT REICHERS FILE BE
RETURNED TO SDNY AGAIN ON MONDAY NINE TWENTYNINE NEXT SO HE
CAN MAKE FINAL DETERMINATION ON WHICH SERIALS FALL WITHIN
PROVISIONS OF TIT. EIGHTEEN, SECTION THREE FIVE ZERO ZERO.

UACB, REICHERS FILE WILL BE FURNISHED TO PERITO AGAIN ON
NINE TWENTYNINE NEXT.

END

WA...BKR FBI WASHDC

70 OCT 3- 1969

10 SEP 29 1969

September 16, 1969

1 - [REDACTED]

REC-63 Airtel

62-99564-102

To: SAC, St. Louis

From: Director, FBI

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5-10-88 BY SP-10 JCH

ROY COHN
INFORMATION CONCERNING

Re New York tel 9/15/69 and Bucall 9/16/69.

This will confirm telephonic authorization for
SA Donald E. Jones to appear at the office of USA, SDNY, at
9 a.m., 9/17/69.

1 - New York (INFO)

(S)

Note: Telephonic authorization relayed by
SA [REDACTED] to ASAC [REDACTED]

MAILED 24
SEP 16 1969

COMM-FBI

Tolson _____
DeLoach _____
Mohr _____
Bishop _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

MAIL ROOM ☒ TELETYPE UNIT ☐

1 - [REDACTED] b7c
9/26/69

AIRTEL

TO: SAC, LOUISVILLE
FROM: DIRECTOR, FBI
ROY COEN
INFORMATION CONCERNING

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5-10-88 BY SP-9 JET

3
led

NR
Re New York teletype 9/25/69, and Bureau telephone
call 9/26/69. NR

This will confirm telephonic authorization for
SA Russel F. Sullivan to appear at the office of USA, SDNY,
upon receipt of notification from USA requesting his appearance
as a witness.

1 - New York (Information)

b7c [REDACTED] (S)
NOTE: ASAC Newpher, Louisville, telephonically advised as
to above by Section Chief C. Bolz, 9/26/69.

Tolson _____
DeLoach _____
Mohr _____
Bishop _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holloman _____
Gandy _____

MAILED 2
SEP 26 1969
COMM-FBI

EX-116
REC 4

62-97564-114

19 SEP 29 1969

59 OCT 6 1969

297
MAIL ROOM ☐ TELETYPE UNIT ☐

September 26, 1969

GENERAL INVESTIGATIVE DIVISION

Regarding trial of Roy Cohn which is based on investigation by Securities and Exchange Commission and Federal Grand Jury inquiry, U.S. Attorney's (USA) office, New York has advised SA Russel F. Sullivan (Louisville) will probably be required as witness early in week of 9/29/69. SA Sullivan's testimony would relate to information furnished to SA Donald E. Jones (St. Louis) and to SA Sullivan by former New York informant Bernard Reicher as to alleged bribe payments to New York State officials by company controlled by Cohn and associates. This information, which at time was furnished to USA's office since of no interest to FBI, is basis for prosecution of Cohn. Reicher is prime government witness. USA's office desires SA Sullivan as witness and he appears necessary. Bureau previously approved SA Jones testifying in this case.

SA Jones and Sullivan are two of three Agents transferred out of New York for furnishing affidavits to USA, New York, on own volition and without Bureau knowledge.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5-10-88 BY SP-7 BTJ

VIA TELETYPE
SEP 25 1969
ENCIPHERED

Mr. Tolson	✓
Mr. DeLoach	✓
Mr. Mohr	✓
Mr. Bishop	✓
Mr. Casper	✓
Mr. Callahan	✓
Mr. Conrad	✓
Mr. Felt	✓
Mr. Gale	✓
Mr. Rosen	✓
Mr. Sullivan	✓
Mr. Tavel	✓
Mr. Trotter	✓
Tele. Room	✓
Miss Holmes	✓
Miss Gandy	✓

WA.....17

5:45 PM 9-25-69 URGENT RDS
TO DIRECTOR AND LOUISVILLE PLAINTEXT
FROM NEW YORK 1P

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5-10-88 BY SP-10/ST

ROY COHN INFO CONCERNING.

Assistant United States Attorney

Southern District of New York

AUSA PAUL PERRITO, SDNY, ADVISED THIS DATE HE IS
CONTEMPLATING CALLING SA RUSSEL F. SULLIVAN AS GOVT. WITNESS IN ROY
COHN TRIAL. STATED SULLIVAN WILL TESTIFY TO INFO ON COHN'S
ACTIVITIES THAT ~~FORN~~ ^{POTENTIAL CRIMINAL INVESTIGATION} BERNARD REICER FURNISHED HIM AND
SA DONALD E. JONES.

PERRITO STATED SULLIVAN'S TESTIMONY PROBABLY WILL BE
REQUIRED EARLY NEXT WEEK, BUT HE COULD NOT GIVE SPECIFIC DATE AT
THIS TIME, HOWEVER WILL GIVE ^{NEW YORK OFFICE} NYO AT LEAST TWENTY FOUR HOURS NOTICE
WHEN SULLIVAN'S ACTUAL PRESENCE IS REQUIRED.

Unless Advised to Contrary by Bureau

UACB, SA SULLIVAN, CURRENTLY ASSIGNED LOUISVILLE, WILL
REMAIN IN STANDBY STATUS AND REPORT TO NY WHEN SPECIFICALLY
REQUESTED BY PERRITO.

END

BKR FBI WASHDC

62-97564
REQ II 62-97564-105
EX-111 10 OCT 1 1969

b7c

51 OCT 13 1969
CC-MR ROSEN

MR. DELOACH FOR THE DIRECTOR

VIA TELETYPE

SEP 29 1969

ENCIPHERED

W A 1

1258PM URGENT 9-29-69 JAM

TO DIRECTOR AND LOUISVILLE CODE
FROM NEW YORK 1P

ROY COHN

INFORMATION CONCERNING

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5-19-88 BY SP-10/10/88

Mr. Tolson	✓
Mr. DeLoach	✓
Mr. Mohr	✓
Mr. Bishop	✓
Mr. Casper	✓
Mr. Callahan	✓
Mr. Conrad	✓
Mr. Felt	✓
Mr. Gale	✓
Mr. Rosen	✓
Mr. Sullivan	✓
Mr. Tavel	✓
Mr. Trotter	✓
Tele. Room	✓
Miss Holmes	✓
Miss Gandy	✓

RE NEW YORK TEL SEPTEMBER TWENTY FIFTH,
NINETEEN SIXTYNINE, AND BUREAU AIRTEL SEPTEMBER TWENTY
SIXTH, SIXTYNINE.

ASSISTANT UNITED STATES ATTORNEY (AUSA) PAUL
PERITO, SOUTHERN DISTRICT OF NEW YORK (SDNY), THIS DATE
REQUESTED THAT SA RUSSEL F. SULLIVAN APPEAR AT THE OFFICE
OF UNITED STATES ATTORNEY (USA), SDNY, NINE AM,
SEPTEMBER THIRTY, SIXTYNINE, FOR CONFERENCES TO
DETERMINE WHAT TESTIMONY SULLIVAN COULD PROVIDE IF
CALLED AS WITNESS FOR EITHER PROSECUTION OR DEFENSE.

SACB, SA SULLIVAN WILL APPEAR AS REQUESTED.

END

RNK FBI WASH DC

EX-106

REC 11

9/29/69

62-97564-106

62-97564

6-8

2 OCT 1 1969

67

58 OCT 8 1969

MR. DELOACH FOR THE DIRECTOR

CC-MR. ROSEN

UNITED STATES GOVERNMENT

Memorandum

Tolson _____
DeLoach _____
Mohr _____
Bishop _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

TO : Mr. Bolz *CB*

FROM : F. J. Bezdek *78B*

SUBJECT: ROY COHN
INFORMATION CONCERNING

DATE: September 29, 1969

1 - [REDACTED] *b7c*

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5-12-81 BY SP7 JET

b7c

This is to advise of action taken upon receipt of New York teletype 9/29/69, advising that AUSA requested that SA Russel F. Sullivan appear at his office 9:00 A.M., 9/30/69, for a conference to determine what testimony Sullivan could give if called as a witness by prosecution for the defense. Supervisor [REDACTED] New York office, was requested to advise date Sullivan was scheduled to appear as a witness and to advise justification for conference. [REDACTED] advised conference scheduled to determine precisely what testimony Sullivan could give on behalf of the Government's case in addition to, or in corroboration of that which may be given by SA Donald E. Jones, if called as a witness. In addition, conference was desired to determine what information Sullivan possessed in the event he was called as a witness by the defense, noting that the defense has indicated it intends to call Jones as a witness but has given no indication in that regard as far as Sullivan is concerned. [REDACTED] advised that under any condition Sullivan will be permitted to stay in New York only for the conference unless it is indicated he will be called as a witness to testify in the next day or two. *f*

For record purposes.

b7c

REC 4

62-97564-127

3 OCT 1 1969

EX-103
62-97564

449

70 OCT 10 1969

b7c

10/1/69

GENERAL INVESTIGATIVE DIVISION

Trial of Roy Cohn based on Securities and Exchange Commission investigation and Federal Grand Jury inquiry commenced 9/23/69 at New York. Bernard Reicher, ~~former potential criminal informant of New York Office~~, had furnished information to New York Office as to alleged bribe payments to New York State officials by the Fifth Avenue Coach Co., controlled by Cohn and associates, which information is basis for prosecution. With agreement of Reicher, this information furnished to U. S. Attorney (USA) as no FBI interest indicated. Pursuant to Rule 3500 (Jencks Law) information furnished by Reicher to FBI was turned over to defense by USA.

Subsequently entire file of Reicher was turned over to USA at his request for his review pursuant to Director instructions. USA has now requested certain Xerox copies of serials in Reicher file which he believes are within Rule 3500. Serials to be turned over to trial judge for "in camera" inspection. This request of USA should be complied with.

[REDACTED], was interviewed 8/28/68 by our Philadelphia office in attempt to corroborate information furnished by Reicher. [REDACTED] denied knowledge of bribery. (Memo Mr. Rosen to Mr. DeLoach 7/2/69.)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5-10-88 BY SP1/AF/ab

ENCLOSURE,
62-975 1-108

VIA TELETYPE
SEP 22 1969
ENCIPHERED

WA.....17

8:00 PM 9-30-69 URGENT RDS
TO DIRECTOR PLAINTEXT
FROM NEW YORK 62

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5-24-88 BY SP-10 JF

Mr. Tolson
Mr. DeLoach
Mr. Mohr
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

ROY COHN, INFORMATION CONCERNING

RE NEW YORK TEL, NINE TWENTY SIX SIXTY NINE.

Assistant United States Attorney

Southern District of New York

AUSA PAUL PERITO, SDNY, COMPLETED HIS REVIEW OF NEW

Potential Criminal Informant

YORK FILES ON FORMER ~~POI~~ BERNARD REICHER. PERITO REQUESTED
THAT HIS OFFICE BE FURNISHED XEROX COPIES OF TWENTY THREE
SEPARATE SERIALS FROM REICHERS FILE WHICH HE BELIEVES FALL
WITHIN PROVISIONS OF TITLE EIGHTEEN, SECTION ^{THREE} TWO FIVE ZERO
ZERO, ^{U.S. Code.} USC.

EIGHT OF REQUESTED SERIALS CONTAIN INFORMATION
RELATING TO THE COHN MATTER. SOME OF THESE EIGHT RELATE TO
AN AGREEMENT BETWEEN ^{United States Attorney's} ~~USAO~~ OFFICE AND INFORMANT AS TO THE USE
OF INFORMATION FURNISHED BY HIM AND HIS OBJECTIONS TO BEING A
WITNESS IN THE CASE. ONE SERIAL IS AN AIRTEL TO PHILADELPHIA
REQUESTING INTERVIEW OF [REDACTED] A DEFENDANT IN INSTANT
MATTER. THE OTHER SERIALS CONTAIN INFORMATION OF GENERAL

END PAGE ONE

ENCLOSURE

EX-106

18 OCT 2 1969

57 OCT 8 1969

PAGE TWO

INTELLIGENCE VALUE AND CONTAIN SPECIFIC INFORMATION RELATING
TO [REDACTED]

C
b7D

PERITO STATED HE INTENDS TO TURN OVER ALL TWENTY
THREE SERIALS TO THE PRESIDING JUDGE IN THE COHN CASE FOR "IN
CAMERA" ACTION BUT GOVERNMENT WILL ARGUE AGAINST FURNISHING
DEFENDANTS
~~DRAFTS~~ WITH ANY INFORMATION NOT RELATING TO COHN MATTER.
Unless Advised to Contrary by Bureau

~~UACB~~ XEROX COPIES OF REQUESTED SERIALS WILL BE
FURNISHED AUSA PERITO TEN TWO SIXTY NINE.

END

WA...JDR

FBI WASH DC

F B I

Date: 10/9/69

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL _____
(Priority)

TO : DIRECTOR, FBI

FROM : SAC, NEW YORK (62-11505)

SUBJECT : ROY COHN
INFORMATION CONCERNING

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5-11-88 BY SP-8 JFJ

Re New York airtel to Bureau, 10/2/69.

Assistant United States Attorney (AUSA) PAUL PERITO, Southern District of New York (SDNY), advised trial in the COHN matter has been adjourned until Tuesday, 10/14/69. It is not expected that REICHER will testify before 10/15/69. For this reason REICHER was excused and has returned home to Puerto Rico. Accordingly, SA DONALD E. JONES was also excused but the SDNY has requested that JONES return to the SDNY when REICHER returns. JONES returning to St. Louis 10/9/69. AUSA PERITO will contact the NYO when definite date for JONES' presence has been determined. UACB, SA JONES will return as requested.

Copy being furnished to St. Louis for information.

- 2 - Bureau
1 - St. Louis (Info.)
1 - New York

REC-81

EX-103

62-97564-104

OCT 10 1969

Approved: 51 OCT 22 1969
Special Agent in Charge

Sent _____ M Per _____

VIA TELETYPE

OCT 14 1969

ENCIPHERED

Viper
Mr. Tolson
Mr. DeLoach
Mr. Mohr
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

ST wa
~~PMNY GOING BACK ON LINE~~

WAOL
AUMQ221PM URGENT 10-14-69 KAM

TO DIRECTOR AND ST. LOUIS PLAINTEXT
FROM NEW YORK 62-11505 1P

ROY COHN; INFORMATION CONCERNING.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5-19-88 BY SP-6 P. J. J. J.

RE NEW YORK AIRTEL TO BUREAU, OCTOBER NINE, NINETEEN SIXTY NINE.

ASSISTANT UNITED STATES ATTORNEY PAUL PERITO,
SOUTHERN DISTRICT OF NEW YORK ADVISED THIS DATE HE WOULD
REQUIRE THE PRESENCE OF SA DONALD E. JONES, ST. LOUIS OFFICE,
IN THE SDNY, IN THE AFTERNOON OF OCTOBER FIFTEEN, NINETEEN
SIXTY NINE FOR FIVE DAYS IN CONNECTION WITH 102 CASE
PENDING AGAINST COHN IN THE UNITED STATES DISTRICT COURT,
SDNY.

Unless Advised to the Contrary

UNLESS SA JONES WILL APPEAR AS REQUESTED.

REC-34

62-97664-110
14 OCT 16 1969

END

JTJ FBI AXX WASH CDC

59 OCT 29 1969

CC-MR. ROSEN

MR. DELCASH FOR THE DIRECTOR

F B I

Date: 11/4/69

Transmit the following in _____
(Type in plaintext or code)

AIRTEL

Via _____
(Priority)

TO : DIRECTOR, FBI
FROM : SAC, NEW YORK (62-11505)
SUBJECT : ROY COHN
INFORMATION CONCERNING

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5-16-88 BY: *seraf*

ReNYteletype to Bureau, 10/14/69.

In connection with case pending against captioned individual in the United States District Court, Southern District of New York (SDNY), SA DONALD E. JONES, St. Louis Office, has returned to St. Louis.

According to Assistant United States Attorney (AUSA) PAUL PERITO, SDNY, BERNARD REICHER may be used as a rebuttal witness. Should the presence of SA JONES be required in this connection, the Bureau will be promptly advised.

- 2 - Bureau
1 - St. Louis (Info.)
1 - New York

REC-12EX-116

62-97564-111

17 NOV 6 1969

(5)

59 NOV 12 1969 Agent in Charge

Sent _____ M Per _____

10/14/69

GENERAL INVESTIGATIVE DIVISION

Attached relates to trial of Roy Cohn on Securities and Exchange Commission case (not investigated by FBI) which commenced 9/23/69 in New York and was adjourned 10/9/69 due to illness of one of the defense lawyers. It was previously approved following request of U. S. Attorney, Southern District of New York, for SA Donald E. Jones (St. Louis) to appear at trial as potential witness to corroborate information furnished by prime Government witness Bernard Reicher. Reicher was former potential informant of New York Office who furnished information to Bureau Agents as to alleged bribe payments to New York State officials by company controlled by Cohn and associates. U. S. Attorney desires SA Jones be in New York on afternoon of 10/15/69. SAC, New York, has been instructed to insure that SA Jones is released to return to St. Louis as quickly as possible.

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 5-11-81 BY SP-4 JEF/ML

VIA TELETYPE
NOV 26 1969
ENCIPHERED

Mr. Tolson _____
Mr. DeLoach _____
Mr. Walters _____
Mr. Mohr _____
Mr. Bishop _____
Mr. Casper _____
Mr. Callahan _____
Mr. Conrad _____
Mr. Felt _____
Mr. Gale _____
Mr. Rosen _____
Mr. Sullivan _____
Mr. Tavel _____
Mr. Soyars _____
Tele. Room _____
Miss Holmes _____
Miss Gandy _____

WA.....19

7:50 PM URGENT 11-26-69 RDS
TO DIRECTOR AND ST LOUIS CODE
FROM NEW YORK 62-11505 2P

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5-16-88 BY SP-7/ST

ROY COHN; INFORMATION CONCERNING

AT FOUR THIRTY PM ON NOVEMBER TWENTY SIX
NINETEEN SIXTY NINE, ASSISTANT UNITED STATES ATTORNEY (AUSA)
PAUL PERITO, SOUTHERN DISTRICT OF NEW YORK (SDNY) ADVISED
THAT HE CONSIDERED THE PRESENCE OF SA DONALD E JONES, OF THE
ST LOUIS OFFICE, NECESSARY FOR CONFERENCE ON NOVEMBER THIRTY
NEXT IN THE SDNY.

IN ADDITION PERITO REQUESTED THAT SA JAMES T
MOLLOY, NEW YORK DIVISION BE AVAILABLE FOR CONFERENCE ON THE
MORNING OF DECEMBER FIRST NEXT.

PERITO ADVISED THAT PROSECUTION HAS BEEN REOPENED
IN THE TRIAL OF ROY COHN NOW PENDING IN THE SDNY AND THAT
SAS JONES AND MOLLOY ARE EXPECTED TO TESTIFY CONCERNING
THE DEVELOPMENT OF BERNARD REICHER AS AN INFORMANT AND TO INFORMATION
FURNISHED BY REICHER TO THE FBI.

END PAGE ONE

379
56 DEC 1 1969

PERS. DIVISION

REC-51
11-117

62-97514-112
18 DEC 1 1969

b7c

PAGE TWO
UNLESS ADVISED TO CONTRARY BY BUREAU

UACV, SAS JONES AND MOLLOY WILL MAKE THEMSELVES
AVAILABLE AS REQUESTED.

END

REM FBI WASH DC

✓ W3S

CC-MR. ROSEN

COMMUNICATIONS SECTION
FBI

NOV 26 1969

TELETYPE

FBI WASH DC

FBI ST LOUIS

7:02 PM URGENT 11-26-69 TMM

TO DIRECTOR AND NEW YORK (62-11505)
FROM ST. LOUIS (58-211)

Mr. Tolson _____
Mr. DeLoach _____
Mr. Mohr _____
Mr. Bishop _____
Mr. Casper _____
Mr. Callahan _____
Mr. Conrad _____
Mr. Felt _____
Mr. Gale _____
Mr. Rosen _____
Mr. Sullivan _____
Mr. Tavel _____
Mr. Walters _____
Tele. Room _____
Miss Holmes _____
Miss Gandy _____

ROY COHN, INFORMATION CONCERNING

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5-19-88 BY SP4 JF/JS

ON NOV. TWENTYSIX, SIXTYNINE, SECRETARY TO AUSA PAUL PERITO, SDNY, TELEPHONICALLY CONTACTED THE ST. LOUIS OFFICE AND ADVISED PRESENCE OF SA DONALD E. JONES IS NEEDED IN NEW YORK ON SUNDAY, NOV. THIRTY, SIXTYNINE. NEW YORK SHOULD CONTACT SDNY, ASCERTAIN PURPOSE OF SA JONES' PRESENCE, TIME HE SHOULD APPEAR IF THIS INFORMATION IS NOT ALREADY KNOWN, AND ADVISE ST. LOUIS AND THE BUREAU.

P

END

DCW

FBI WASH DC

PP

EX-117

REC-51

62-97564-113

18 DEC 1 1969

PERS. UNIT

CC-MR. ROSEN 10 1969

*SA [redacted] advised
8:44 PM Request for priv
appearance 11/30 made
by TT 11/26/69 and approved
by Director 11/26/69. NY and
SL advised by tel 11/28/69*

VIA TELETYPE
NOV 28 1969
ENCIPHERED

Mr. Tolson	_____
Mr. DeLoach	_____
Mr. Walters	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	<i>VP</i>
Mr. Rosen	<i>VP</i>
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Soyars	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

7:00 PM URGENT 11-28-69 RDS

TO DIRECTOR AND ST LOUIS PLAINTEXT

FROM NEW YORK 62-11505 1P

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5-11-88 BY SP-11/10/88

ROY COHN; INFORMATION CONCERNING.

RE ST LOUIS IT TO BUREAU AND NEW YORK, NOVEMBER TWENTY
SIXTH LAST.

ON NOVEMBER TWENTY EIGHT, NINETEEN SIXTY NINE, ASSISTANT
UNITED STATES ATTORNEY PAUL PERITO, SOUTHERN DISTRICT OF NEW
YORK, ADVISED THAT SA DONALD E JONES, ST LOUIS DIVISION ^SHOULD
BE AVAILABLE AT APPROXIMATELY ONE PM ELEVEN THIRTY NEXT SDNY.

UACB SA JONES WILL MAKE HIMSELF AVAILABLE AT THAT
TIME.

END

BKR FBI WASHDC

REC-51
EX-117

62-97564-114

70 DEC 1 1969

153
DEC 1 1969
FBI UNIT

CC MR. ROSEN

cc- [redacted] b7c [redacted]

F B I

Date: 12/2/69

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL _____
(Priority)

TO : DIRECTOR, FBI
FROM : SAC, NEW YORK (62-11505)
SUBJECT : ROY COHN
INFORMATION CONCERNING

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5-10-81 BY SP-1 JET

Re Bureau teletype dated 11/28/69.

Contact of United States Attorney's (USA) Office, Southern District of New York (SDNY), reflects that request for presence of SAS DONALD E. JONES and JAMES T. MOLLOY was initiated by ROY COHN, defendant of current prosecution, SDNY. COHN advised court that he expected to call Agents as defense witness and requested the court instruct USA's Office to have those Agents available. Hence, the USA's request.

COHN's defense was scheduled to begin Monday, 12/1/69, but order of defense was changed on that date so that other defendants preceded COHN. USA's Office expects COHN's defense to begin not later than 12/3/69, or 12/4/69, and that Agents would testify probably not later than 12/5/69.

SA JONES will return to St. Louis as soon as he is released by the court.

Copy being furnished St. Louis Office for information.

2 - Bureau
1 - St. Louis (58-211) (Info.)
1 - New York

REC 44

EX-111

62-97564-115

DEC 3 1969

Sent

u
[REDACTED]

November 28, 1969

PLAINTEXT

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION URGENT

TELETYPE

NOV 28 1969

238 PM BR 13

TO SACs, NEW YORK (62-11505) TELETYPE
ST. LOUIS (58-211)

FROM DIRECTOR, FBI

ROY COHN, INFORMATION CONCERNING.

VIA TELETYPE
NOV 28 1969
3:08 PM HL
ENCIPHERED

RE NY AND SL TELS DATED ELEVEN TWENTYSIX, LAST.

APPEARANCE OF SA DONALD E. JONES (ST. LOUIS OFFICE) AND
SA JAMES T. MOLLOY (NEW YORK OFFICE) AUTHORIZED AT NEW YORK
ELEVEN THIRTY NEXT AS TO SA JONES AND TWELVE ONE NEXT AS
TO SA MOLLOY CONCERNING THEIR EXPECTED TESTIMONY

OF BERNARD REICHER AS AN INFORMANT AND TO
INFORMATION FURNISHED BY REICHER TO THE FBI.

THIS APPEARANCE AUTHORIZED; HOWEVER, ON BASIS THAT NEW
YORK IMMEDIATE LY CONTACT USA, NEW YORK, FOR PURPOSE OF
DECISIVELY ESTABLISHING THAT IT IS FULLY EXPECTED SAs JONES
AND MOLLOY WILL TESTIFY AT THE INDICATED DATES. AS NEW YORK
IS FULLY AWARE, SA JONES HAS MADE REPEATED TRIPS FROM
ST. LOUIS TO NEW YORK AT REQUEST OF USA ON BASIS OF HIS NEED

see note 10 DEC 8 1969
page two

56 DEC 11 1969

MAIL ROOM ☐ TELETYPE UNIT ☐

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5-11-88 BY SP-8 JRS/STP

Tolson _____
DeLoach _____
Mohr _____
Bishop _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

**TEL TO NY & SL
RE: ROY COHN**

**AS POTENTIAL WITNESS AND IT IS MOST DESIRABLE THAT FURTHER
ADDITIONAL TRAVEL EXPENSE AND INCONVENIENCE TO THE BUREAU'S
INVESTIGATIVE OPERATIONS BE CURTAILED REGARDING THIS MATTER
IF AT ALL POSSIBLE.**

NOTE:

Trial of Roy Cohn on Securities and Exchange Commission case not investigated by FBI commenced 9/23/69 and on basis of repeated requests by USA, New York, SA Donald E. Jones (St. Louis Office) has made several appearances at New York as potential witness at trial of Cohn to corroborate information furnished by prime Government witness Bernard Reicher. SA James T. Molloy (New York Office) has also made an appearance at request of USA. Neither of these Agents has testified, as yet.

Reicher was former potential informant of New York Office who furnished information to Bureau Agents as to alleged bribe payments to New York state official by company controlled by Cohn.

In view of repeated travel expenses involved as to SA Jones and inconvenience to investigative operations of St. Louis and New York Offices, it is felt that while authority should be granted for SA Jones and Molloy to appear as witnesses as requested by USA, nevertheless, USA should be asked to advise as to whether these Agents will now testify. Delays have occurred during course of trial because of illness of Cohn and his attorney.

VIA TELETYPE

ENCIPHERED

Mr. Tolsen
Mr. DeLoach
Mr. Walters
Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

NR011 NY PLAIN

303PM URGENT 12-3-69 JAM

TO DIRECTOR

LOUISVILLE

FROM NEW YORK 62-11505 1P

ROY COHN

INFORMATION CONCERNING

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5-10-88 BY SP8 JET

ON DECEMBER THIRD, NINETEEN SIXTYNINE, ASSISTANT UNITED STATES ATTORNEY PAUL PERITO, SOUTHERN DISTRICT OF NEW YORK (SDNY), ADVISED THAT THE DEFENSE HAS REQUESTED THAT SA RUSSEL F. SULLIVAN, LOUISVILLE DIVISION, BE MADE AVAILABLE TO GIVE TESTIMONY BY TWELVE NOON DECEMBER FOURTH, SIXTYNINE.

PERITO EXPRESSED OPINION THAT SA SULLIVAN WILL TESTIFY IN REGARD TO INFORMATION FURNISHED BY BERNARD REICHER.

UNLESS ADVISED TO CONTRARY BY BUREAU

UACB, SA SULLIVAN WILL MAKE HIMSELF AVAILABLE AT SDNY BY NOON OF DECEMBER FOURTH NEXT.

END

BKR FBI WASHDC

59DEC 17 1969

CC-MR. ROSEN

EX-106
REC 11

62-97564-117

b7c

F B I

Date: 12/9/69

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL _____
(Priority)

Mr. Tolson	_____
Mr. DeLoach	_____
Mr. W. Hers	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Soyars	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

TO : DIRECTOR, FBI

FROM : SAC, NEW YORK (62-11505)

SUBJECT : ROY COHN
 INFORMATION CONCERNING DATE 5-10-88 BY SP8 JAB

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 5-10-88 BY SP8 JAB

For information of the Bureau and other offices, SAS DONALD E. JONES and JAMES T. MOLLOY were called as defense witnesses on 12/3/69. SA RUSSEL F. SULLIVAN was not called. SAS SULLIVAN and JONES have returned to Louisville and St. Louis, respectively.

- 2 - Bureau
- 1 - St. Louis (Info)
- 1 - Louisville (58-211) (Info.)
- 1 - New York

(6)

REC-101 62-97564-118

15 DEC 10 1969

Approved: 207 J. F. B. / 1147

Sent _____ M Per _____

5
16
United States Senate

Washington, D. C., March 11, 19 70

Respectfully referred to

Congressional Liaison
Federal Bureau of
Investigation
Department of Justice
Washington, D.C.

For your
information.

Mr. Tolson	✓
Mr. DeLoach	✓
Mr. Mohr	✓
Mr. Bishop	✓
Mr. Casper	✓
Mr. Callahan	✓
Mr. Conrad	✓
Mr. Felt	✓
Mr. Gale	✓
Mr. Rosen	✓
Mr. Sullivan	✓
Mr. Tavel	✓
Mr. Trotter	✓
Tele. Room	✓
Miss Holmes	✓
Miss Gandy	✓

[Redacted]

b7c

EXP. PROC.

31
34 MAR 12 1970

ALL INFO
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MATION CONTAINED
IS UNCLASSIFIED
DATE 8-8-88 BY SP-8 J. J. J.

RE

C-90

REC-90

U. S. GOVERNMENT PRINTING OFFICE 16-45103-8

U. S. S.

1-23

62-97564-119

13 MAR 12 1970

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3/16/70
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b7c

#

[Redacted]

[REDACTED]

b7c

March 3, 1970

137

Senator Abraham Ribicoff
United States Senate
Washington, D.C. 20510

Dear Senator Ribicoff;

On September 8, 1969, I wrote to you in reference to the problems of crime in the United States. At that time, I said in part, "we are again informed by the newspaper, if this is true, that the director of the FBI, Mr. Hoover, has transferred three agents from the New York office to less desirable posts rather summarily because they were involved in a case with Mr. Roy Cohen, who happens to be a particular favorite of Mr. Hoover's. If this is true, again this is the powerful getting special priveleges."

You were kind enough to submit my letter to the FBI and then send me a copy of the letter from Mr. Hoover, indicating that the transfer of the three special agents "resulted solely from their failure to comply with long-standing rules and regulations of this bureau and had nothing what-so-ever to do with the merits of the Roy M. Cohen case."

Since that time, there has been very little in the public press about the matter and there was no opportunity to get any further information about it. However, last week I had the opportunity to check the matter in great detail through some long-standing friends, who are peace officers and were in a position to give me what I believe to be a most honest and candid report on the situation. They assured me that the transfer of the three special agents, in fact, resulted from their failure to comply with long-standing rules of the bureau as Mr. Hoover stated. As you may appreciate, I am delighted to find out that I was wrong, but most unhappy that the public press was instrumental in leading me to these false conclusions. I hope and trust that you will convey my sincere apologies to Mr. Hoover and the bureau for making accusations that had no basis in fact.

Sincerely yours,

[REDACTED]

ENCLOSURE

100 97-14 119

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5-10-88 BY SP8/BJP

b7c

b7c

Saxe, Bacon & Bolan

39 EAST 60TH STREET
NEW YORK, NEW YORK 10021

2121 PLAZA E-6100

CABLE: SAKUM

ROY M. COHN
COUNSEL

January 6, 1971

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5-19-88 BY SP-10 JPK

2
Honorable Jerry Finkelstein, Chairman
The New York City Democratic Committee
630 Fifth Avenue
New York, New York 10020

Dear Jerry:-

While I have the highest regard for Controller Beame, I shall not participate in the dinner for him because Ramsey Clark is billed as toastmaster.

You talk about uniting the Democratic Party. The Party contains millions of Americans who identify Clark with his unprincipled attack on J. Edgar Hoover - whose service to this nation over a lifetime has earned him unique universal respect. It is many of these average Americans in our Party who left it this fall and voted for Jim Buckley. You give them no incentive to return by trying to stuff Ramsey Clark down their throats.

I also note you honor Congressman Rooney's defeated insurgent opponent, but not the Congressman.

Sorry -- but count me out.

Sincerely,

ENCLOSURE

Roy M. Cohn

RMC:ag

54 JAN 15 1971

Honorable J. Edgar Hoover
(Encl.)

REC-57

SI-112

62-97564-120
1-12
JAN 8 1971

EXP. PROC. 40
37 JAN 8 1971

no ack - copy
CORRESPONDENCE

Saxe, Bacon & Bolan
39 EAST 68TH STREET, NEW YORK, N. Y. 10021

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 5-10-88 BY SP4 JBT

Honorable J. Edgar Hoover
Federal Bureau of Investigation
Pennsylvania Avenue at 9th Street, N. W.
Washington, D. C. 20535

PERSONAL



attn

TAB

**The New York City
Democratic Committee**

Bronx / Brooklyn / Manhattan / Queens / Staten Island

joins with the Democratic members of
The Board of Estimate
The New York City Congressional Delegation
The New York City Members of the State Legislature
The City Council

in honoring

Abraham D. Beame

Comptroller of the City of New York
for twenty-five years of distinguished public service

with

Ramsey Clark

as Toastmaster

at its first Annual Dinner

on Wednesday evening, January twentieth, 1971

at seven o'clock

The Americana of New York

Subscription \$125 per person

Black Tie Optional / RSVP on enclosed reservation card

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HUMBERTO APONTE
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FERDINAND J. MONDELLO
ARMANDO MONTANO
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THEODORE S. WEISS
CALVIN WILLIAMS
LESTER L. WOLFF
SAMUEL D. WRIGHT
JOSEPH ZARETZKI

The New York City Democratic Committee

The mission of the New York City Democratic Committee is to achieve the fullest participation in the affairs of our party by all of our fellow New Yorkers who are dedicated to the cause of progressive government and also to develop a spirit of unity in our ranks that will lead to Election Day victories.

We have an abiding faith in the future of our City. Our dedication and resolve is to rid New York of the urban blight that demeans the spirit and mars our landscape and to conquer with concrete programs the fears that have produced alienation and disaffection among our people. We have faith in our ability to create within our City an environment appropriate for the elderly, the young, for black and white and Puerto Rican, and for the raising of children, and to create a climate in which our working people, our business, and our industry can prosper.

We believe in open discussion and public debate in democratic fashion for the achievement of unity and purpose and in the furtherance of our conviction that the issues that divide us are far less significant than the principles that unite us.

We also believe that the time has come for an end to internal bickering, to broaden, not narrow our party so that we can speak with a strong, clear and united voice for responsible programs and policies. We are prepared to galvanize our elected and Party officials, members, and supporters to move forward with programs shaped to serve the needs of our people, and, in so doing to achieve victories on the Election Days to come.

JERRY FINKELSTEIN
Chairman

DINNER DIRECTION
THE WEBER COMPANY / *Specialists in Public Events*
141 East 55th Street / New York City 10022

REC-90

March 16, 1970

62-97564-119

Honorable Abraham A. Ribicoff
United States Senate
Washington, D. C. 20510

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5-10-88 BY SP8 JF/ab

My dear Senator:

I have received your communication of March 11th
and the enclosed letter from [REDACTED]

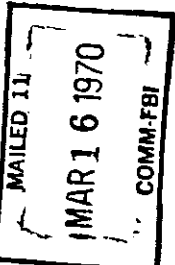
[REDACTED] Your thoughtfulness in furnishing this to me is
indeed appreciated.

Sincerely yours,

J. Edgar Hoover

1 - New Haven - Enclosures (2)

NOTE: Bufiles disclose cordial correspondence with Senator Ribicoff (D-Connecticut). [REDACTED] wrote Senator Ribicoff on 9/8/69 regarding the three Agents who were transferred from the New York Office in May, 1969. [REDACTED] letter was sent to us by Senator Ribicoff and we acknowledged Senator Ribicoff's communication by letter 9/16/69 setting forth the Bureau's position in that matter.



b7c
Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

55 APR 6 1970

TELETYPE UNIT ☐

Saxe, Bacon & Bolan

39 EAST 68TH STREET
NEW YORK, NEW YORK 10021

(212) PLAZA 2-6100

CABLE: BAXUM

ROY M. COHN
COUNSEL

January 25, 1971

Honorable Jerry Finkelstein
630 Fifth Avenue
New York, New York 10020

Dear Jerry:-

Thank you for your letter. I know of your regard for Mr. Hoover, and I'm sure he does. That still begs the question of the unnecessary choice of Ramsey Clark, who obviously offends many people, and who is busy all over promoting himself.

Jerry, when you talk again about "unity" and "winning elections", I think you accomplish the opposite by offending a substantial wing of the party. Nixon is President, Rockefeller is Governor, Buckley is Senator. All of these have been elected due to substantial defection of the average-American conservative wing of the Democratic Party, which doesn't buy the "knock America" attitude of so many of the ultra-liberals who seem to dominate the "unity" group you have selected.

Rather than unifying, the breach is being widened by the neglect of those Democrats on whose restoration of confidence in the Party and the winning of future elections might depend.

As ever,

EX 105

REC 8

62-97564-121

Roy M. Cohn

JAN 28 1971

ENCLOSURE

RMC:ag

bcc: Honorable J. Edgar Hoover
Encl.

CORREL. DIVISION

67C

710 file -

Mr. Tolson	✓
Mr. Sullivan	✓
Mr. Mohr	✓
Mr. DeLoach	✓
Mr. Casper	✓
Mr. Callahan	✓
Mr. Conrad	✓
Mr. Felt	✓
Mr. Gale	✓
Mr. Rosen	✓
Mr. Tavel	✓
Mr. Walters	✓
Mr. Soyars	✓
Tele. Room	✓
Miss Holmes	✓
Miss Gandy	✓

EXP. PROC.
JAN 28 1971
38

0 FEB 8 - 1971

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5-10-88 BY SP-100/100

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XXXXXX

FEDERAL BUREAU OF INVESTIGATION

FOIPA DELETED PAGE INFORMATION SHEET

1 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

☒ Deleted under exemption(s) b 7 (f) with no segregable material available for release to you.

☐ Information pertained only to a third party with no reference to you or the subject of your request.

☐ Information pertained only to a third party. Your name is listed in the title only.

☐ Documents originated with another Government agency(ies). These documents were referred to that agency(ies) for review and direct response to you.

_____ Pages contain information furnished by another Government agency(ies). You will be advised by the FBI as to the releasability of this information following our consultation with the other agency(ies).

_____ Page(s) withheld for the following reason(s):

☐ For your information: _____

☒ The following number is to be used for reference regarding these pages:

62-97564-121 enclosure

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 X DELETED PAGE(S) X
 X NO DUPLICATION FEE X
 X FOR THIS PAGE X
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UNITED STATES GOVERNMENT

Memorandum

Tolson _____
Sullivan _____
Mohr _____
Bishop _____
Wick _____
DeLoach _____
Casper _____
Callahan _____
Conrad _____
Dalbey _____
Felt _____
Gale _____
Rosen _____
Tavel _____
Walters _____
Soyars _____
Tele. Room _____
Holmes _____
Gandy _____

TO : Mr. Bishop

DATE: 2-22-71

FROM : G. E. Malmfeldt

SUBJECT: [REDACTED] AND
DAUGHTER, [REDACTED], AGED 14
REQUEST FOR BUREAU TOUR
11:45 A. M., 2-22-71
MADE BY ROY M. COHN OF
NEW YORK CITY

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5-10-88 BY SP8 JFB

At 5:30 p.m. Sunday, 2-21-71, SA [REDACTED]
duty Agent in [REDACTED] office, received a call from Cohn requesting
a tour for captioned individuals on 2-22-71. Cohn said Lou Nichols had
told him to call [REDACTED] to arrange a tour for [REDACTED] and his daughter.

Cohn, who is on the Special Correspondents List and known
to the Director on a first-name basis, advised that [REDACTED]
[REDACTED] and has been very active and helpful
with the Department of Justice in its drug abuse control program in the
New York City area. [REDACTED] and his daughter are coming to Washington
on the morning of February 22nd and would very much like to have a
Bureau tour at 11:45 a.m. that date. Bufiles contain nothing derogatory
concerning [REDACTED] and no record of his daughter.

Cohn was advised that in all probability the tour could be
scheduled and handled as requested and that [REDACTED] should call the
Bureau upon his arrival in Washington and Cohn said he would advise
[REDACTED] to do so. *NO REQUEST TO MEET DIRECTOR.*

RECOMMENDATION:

NOT RECORDED

That [REDACTED] and his daughter be afforded a tour at
11:45 a.m., 2-22-71, as requested.

- 1 - Mr. Mohr
- 1 - Mr. Bishop
- 1 - Mr. M. A. Jones
- 1 - Mr. Malmfeldt
- 1 - [REDACTED]

SPECIAL TOUR BY

OF LAB DN. ON

2/22/71

70 MAR 2 1971

ORIGINAL FILED IN 94-2-43616

July 9, 1971

REC 20 62-97564-122

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5-10-88 BY SP8 JF/ab

Dear [REDACTED]

[REDACTED] I received your letter on July 6th and appreciate
having the opportunity to read your commentary on events mentioned
in Mr. Cohn's book.

Sincerely yours,

J. Edgar Hoover

MAILED 10

JUL 9 - 1971

FBI

NOTE: Correspondent is identifiable in Bufiles only as the attorney
representing several individuals, some of whom are mentioned in his
letter. His 14-page communication is a treatise explaining for the
Director what he claims is the truth surrounding falsehoods and derogatory
implications allegedly made by Roy Cohn in his recently published book,
"A Fool For A Client." The book by Roy Cohn is not in the Bureau
Library and there is no record in files of a review of it.

lson _____
Hirvan _____
hr _____
shop _____
ennan, C.D. _____
allahan _____
asper _____
onrad _____
Dalbey _____
Felt _____
Gale _____
Rosen _____
Tavel _____
Walters _____
Soyars _____
Beaver _____
Tele. Room _____
Holmes _____
Gandy _____

62 JUL 21 1971

MAIL ROOM ☐ TELETYPE UNIT ☐

XXXXXX
XXXXXX
XXXXXXFEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET

14 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

☒ Deleted under exemption(s) b7(c) with no segregable material available for release to you.

☐ Information pertained only to a third party with no reference to you or the subject of your request.

☐ Information pertained only to a third party. Your name is listed in the title only.

☐ Documents originated with another Government agency(ies). These documents were referred to that agency(ies) for review and direct response to you.

_____ Pages contain information furnished by another Government agency(ies). You will be advised by the FBI as to the releasability of this information following our consultation with the other agency(ies).

_____ Page(s) withheld for the following reason(s):

☐ For your information: _____

☒ The following number is to be used for reference regarding these pages:

62-97564-122 incoming

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X NO DUPLICATION FEE X
X FOR THIS PAGE X
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EX-115

REC-50

62-97564-123

May 5, 1972

Mr. Roy M. Cohn
Saxe, Bacon and Bolan
39 East 68th Street
New York, New York 10021

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5-10-88 BY SP8 JTB

Dear Mr. Cohn:

The copy of your letter dated April 28th addressed to Congressman Gallagher has been received. Your thoughtfulness in forwarding it to us is indeed appreciated.

Sincerely yours,

L. Patrick Gray III
L. Patrick Gray, III
Acting Director

NOTE: Mr. Cohn is on the Special Correspondents List. The Special Correspondents List is a list of past supporters of the FBI.

[REDACTED]

UNRECORDED COPY FILED IN 94-55897

b2

- Tolson
- Felt
- Campbell
- Rosen
- Mohr
- Bishop
- Miller, E.S.
- Callahan
- Casper
- Conrad
- Dalbey
- Cleveland
- Ponder
- Bates
- Wakart
- Walters
- Soyars
- Tele. Room
- Holmes
- Gandy

MAILED 23
MAY 5 - 1972
FBI

b2

[REDACTED]

MAY 15 1972

MAIL ROOM ☐ TELETYPE UNIT ☐

MAY 11 1972

55

Saxe, Bacon & Bolan

39 EAST 68TH STREET
NEW YORK, NEW YORK 10021

JOHN GODFREY SAXE (1909-1993)
ROGERS H. BACON (1919-1992)

ROY M. COHN

SCOTT E. MANLEY (ADMITTED ILLINOIS AND INDIANA)

DANIEL J. DRISCOLL

MELVYN RUBIN
MICHAEL ROSEN
HAROLD L. SCHWARTZ

(212) 472-1400

A p r i l 28th
1 9 7 2

Mr. Tolson	✓
Mr. Felt	✓
Mr. Campbell	✓
Mr. Rosen	✓
Mr. Mohr	✓
Mr. Bishop	✓
Mr. Miller	✓
Mr. Callahan	✓
Mr. Casper	✓
Mr. Conrad	✓
Mr. DeLoach	✓
Mr. Cleveland	✓
Mr. Ponder	✓
Mr. Bates	✓
Mr. Waikart	✓
Mr. Walters	✓
Mr. Soyars	✓
Tele. Room	✓
Miss Holmes	✓
Miss Gandy	✓

THC

Congressman Cornelius E. Gallagher
House of Representatives
Washington, D. C.

Dear Neil:-

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5-10-88 BY SP8 LJS/6

In view of your present circumstances, I tried to make my brief reply to the press as mild as possible, but I want to keep the record straight between us.

Let me make it clear that Mr. De Loach said none of the things you attributed to him, that I never relayed any of those things to you as coming from him or anyone else. Not Mr. Hoover (who I never in my life even heard mention your name), Mr. De Loach, nor anyone else acting on behalf of the FBI, ever asked me to convey any threat to you.

To make accusations such as you did based upon double and triple hearsay is not worthy of you, and surely these tactics have not been helpful to you.

At this point, I have very little personal sensitivity about being used as a whipping-boy, even by friends. But I thought your diatribe against the Bureau was very unfair. I worked with them when I was with the Department of Justice in the Truman administration, and I have been their adversary in criminal cases I have defended in recent years. Their record for total integrity, and for protection of individual rights defeats the entire premise of your statement.

Sincerely,

EX-115

REC-50

Roy Cohn

ROY M. COHN

Hon. J. Edgar Hoover
F. B. I.

Pennsylvania Ave & 9th St. N.W.
Washington, D. C. 20035

COPY MADE FOR MR. TOLSON

RMC:at
Air-Mail

MAY 11 1972

MAY 1 1972

CORRESP

EXP. PROC.

UNRECORDED COPY FILED MAY 1 1972

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Cleveland

DATE: April 20, 1972

FROM : T. J. Emery

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5-10-88 BY SP8/STP

SUBJECT: CONGRESSMAN CORNELIUS E. GALLAGHER (D - NEW JERSEY)

Tolson
Felt
Campbell
Rosen
Mohr
Bishop
Walters
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

This is in response to the Director's inquiry regarding the attached news release in which Gallagher claims that former Assistant to the Director DeLoach was the key figure in an FBI attempt to "blackmail" him by providing information which appeared in a "Life" magazine article to the effect that Barney O'Brien, a small-time Bayonne, New Jersey, criminal figure, had died in bed with Gallagher's wife and Gallagher had hoodlum Harold Konigsberg remove the body from Gallagher's house. We have also reviewed the full text of Gallagher's statement which has since been obtained.

Bureau files contain no indication that DeLoach or the FBI had engaged in any such effort to "blackmail" Gallagher. As a matter of fact, the "Life" article in question, issue of August 9, 1968, contains no allegations that Barney O'Brien had died in bed with Gallagher's wife. The article does contain a story attributed to hoodlum Konigsberg that Gallagher had Konigsberg remove O'Brien's body from the basement of Gallagher's New Jersey residence, but no mention is made of his wife.

[REDACTED], other than the flat allegation that DeLoach was the source of this story, it is not at all clear where that part of the story regarding Gallagher's wife could have originated.

Enclosure

1 - Mr. Rosen
1 - Mr. Bishop
1 - Mr. Dalbey

1 - Mr. Cleveland
1 - Mr. Emery

TJE:
(6)

NOT RECORDED

CONTINUED - OVER

MAY 20 1972

60 MAY 18 1972 11 37
265

MAY 10 1972

b7c

Memorandum to Mr. Cleveland
Re: Congressman Cornelius E. Gallagher

Gallagher attempts to make a point that on the evening of the date "Life" suggested the event took place (October 14, 1962), Gallagher was at a political dinner in full view of hundreds of people. There appears to be little significance to this point since Bayonne police records indicated only that O'Brien was missing since October 14, 1962, and Konigsberg was not able to pin down the date when he said he was called to Gallagher's house to remove the body.

While Gallagher states that Konigsberg was quoted in a "New York Times" article of August 18, 1968, that the whole story was a lie, it should be noted that during excavation in March, 1967, on a farm near Lakewood, New Jersey, described by Konigsberg as a mob burial ground, orthopedic shoes were discovered which were later identified by O'Brien's podiatrist as those he had prescribed for O'Brien.

[REDACTED]

In developing his theme, Gallagher claims that the FBI, through Roy Cohn and DeLoach, attempted to "use" him to surface a report that former Attorney General Kennedy had authorized electronic surveillance coverage of Martin Luther King and of certain locations in Las Vegas, which was then a point of public controversy. According to Gallagher, when he refused to participate, DeLoach launched a campaign to discredit him, of which the "Life" disclosures were a part. He claims that shortly before the "Life" publication of his contacts with organized crime in August, 1968, he was told by his attorney, one Larry Weisman, that while Weisman was in Roy Cohn's office in New York City, Cohn was on the phone with DeLoach. DeLoach allegedly told Cohn (in reference to Gallagher) that "if you still know that guy, you had better get word to him to resign from Congress. He's not going to last more than a week after the story hits." Gallagher continues that Weisman quoted DeLoach as telling Cohn that O'Brien died in Gallagher's bed and if Gallagher did not resign from Congress, this would be revealed.

As noted above, Bureau files contain no reference to any of this ever occurring.

There would have been no reason to solicit Gallagher's assistance in bringing out the fact that Kennedy's position was over in the White House on King. I personally released copies of Kennedy's authorization to the press to prove the Kennedy made.

Memorandum to Mr. Cleveland
Re: Congressman Cornelius E. Gallagher

Gallagher then branches into disjointed claims regarding the FBI's widespread use of electronic surveillance, even claiming that we gathered evidence against former Speaker of the House McCormack's assistant (Martin Sweig) by electronic coverage in McCormack's office. This, of course, is completely false.

In view of Gallagher's recent Federal indictment for income tax evasion and perjury, it is obvious that he is making a desperate attempt to claim that the indictment in some way resulted from a Government conspiracy to discredit him, thereby diverting attention from the specific charges contained in the indictment.

ACTION:

For information in response to the Director's inquiry.

1 JE
A WVC ✓
WGC TEB
7
Gallagher is like an octopus squeezing forth its black fluid to hide his true character.
A

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir. ☒
Dep. AD Adm. ☒
Dep. AD Inv. ☒
Asst. Dir.:
Admin. ☒
Comp. Syst. ☒
Ext. Affairs ☒
Files & Com. ☒
Gen. Inv. ☒
Ident. ☒
Inspection ☒
Intell. ☒
Laboratory ☒
Plan. & Eval. ☒
Spec. Inv. ☒
Training ☒
Legal Coun. ☒
Telephone Rm. ☒

TO : Mr. McDermott

DATE: 1/22/75

FROM : Mr. Heim *LJH/acc*

SUBJECT: BARRY FARBER RADIO SHOW
NEW YORK STATION WOR-AM
JANUARY 14, 1975

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5-10-88 BY *SP8 JFB*

By letter dated January 16, 1975, Assistant Director Malone of the New York Office has forwarded two reels of tape on which are recorded the Barry Farber Radio Show of January 14 featuring attorney Roy Cohn and writer Walter Schneir as guests of Mr. Farber. In his letter of January 16, ADIC Malone suggests that, after listening to the tapes, "the Bureau...may want to send a letter" to both Roy Cohn and Barry Farber.

ACTION:

A review of more than one and one-half hours of the tape recording of this program discloses that it features an often-hostile, sometimes-shouting, and repetitive discussion between Roy Cohn and Walter Schneir centering largely upon the Rosenberg espionage case and the Freedom of Information Act.

Schneir, who is the author of the book "Invitation to an Inquest" which asserts that the Rosenbergs were "framed," used the program as a forum for attacking the FBI, Cohn, Federal Judge Irving R. Kaufman, and others who had a role in the conviction of the Rosenbergs. He insisted that in compliance with the Freedom of Information Act, the FBI files in the Rosenberg case, as well as those regarding other espionage subjects, should be made available to persons outside the FBI.

Roy Cohn was one of the Government attorneys who assisted in the prosecution of the Rosenbergs. He has previously challenged Schneir's assertions that the Rosenbergs were victims of a "political frame-up"; and his appearance with Schneir on the Barry Farber Radio Show constitutes merely the latest heated confrontation in a campaign of animosity between these two men that has been going on for years.

1 - Mr. McDermott
1 - Mr. Wannall

62-97564-

14 FEB 25 1975

CONTINUED - OVER

ORIGINAL FILED IN

NOT RECORDED

JAN 23 1975

SECTION

b7c

b7c

Mr. Heim to Mr. McDermott Memorandum

RE: "BARRY FARBER RADIO SHOW, NEW YORK STATION WOR-AM, 1/14/75"

Roy Cohn arrived at the radio station after the Barry Farber Radio Show had begun, and it was necessary for him to leave for the airport before the program had ended. He did, however, scathingly berate Schneir and express deep respect for the FBI. Cohn indicated that his experience both as Government attorney and as Federal defendant who has been the subject of FBI investigation has convinced him that the FBI has a better record of integrity and freedom from scandal than any other agency.

As host of the program, Barry Farber often found himself in a position similar a referee trying to separate two fighters. Despite his effort to maintain a middle or neutral position, he left no doubt concerning his disagreement with Schneir.

OBSERVATIONS:

For a number of years, Roy Cohn has been a controversial figure. In 1969, for example, he was indicted by the Federal Grand Jury in New York (and subsequently acquitted) on charges of bribery, conspiracy, and extortion in connection with an alleged conspiracy involving the city's Fifth Avenue Coach Lines -- and prior to the trial of this case, he publicly charged U.S. Attorney Robert Morgenthau with conducting a "personal vendetta" against him. An article regarding Cohn in the September 5, 1969, issue of "Life" magazine makes reference to this case and states, in part:

"He (Cohn) took over Lionel Corporation, lost it, gained control of Fifth Avenue Coach Company in New York and became involved with a succession of financial sponsors in a dizzying variety of other business ventures. In the process he left behind a trail of stunned, embittered and in some cases financially flattened ex-friends. In the past year substantial sections of his financial structure have begun to buckle faster than they can be re-riveted. Lawsuits have piled up, and more than \$1 million in judgments have followed."

In connection with the 1969 case, three Agents of the New York Office who gave sworn statements to U.S. Attorney Morgenthau were subsequently ordered transferred to other FBI offices -- which fact became the focal point of wide publicity implying that Cohn, through former Assistant to the Director L. B. Nichols (a long-time friend of Cohn), was able to bring about the transfers.

Mr. Heim to Mr. McDermott Memorandum

RE: "BARRY FARBER RADIO SHOW, NEW YORK STATION WOR-AM, 1/14/75"

Roy Cohn's name is involved in two presently pending cases. One is a Crime on the High Seas investigation involving possible destruction for insurance in 1973 of a vessel (Defiance) off the Florida coast. Investigation has indicated that a firm controlled by Cohn had leased this vessel; that previously another vessel owned by Cohn had been lost -- with the result that Cohn was paid \$100 thousand insurance; and that Cohn is regarded as a bad risk for Marine insurance. The second case is an ITAR - Extortion investigation involving alleged threats against the operator of a theater in New Jersey which features pornographic films. Roy Cohn, who is listed as a subject in this case, reportedly served as attorney for the purchase of this theater in the Spring of 1974 and reportedly had \$5,000 interest in it. (166-469-3 & 45-11251)

Although Barry Farber clearly did not "side with" Schneir during his January 14th radio program, he did provide Schneir a forum to voice anti-FBI propaganda and to reiterate criticisms made by such persons as Judge Fred Nichol in the Wounded Knee Case, former Assistant to the Director W. C. Sullivan, and former Special Agent William Turner.

RECOMMENDATIONS:

(1) In view of the above, it is not felt that a letter over Mr. Kelley's signature should be directed to either Roy Cohn or Barry Farber.

agree

(2) That this memorandum, together with the two reels of tape recording the January 14th Barry Farber Radio Show, be forwarded to the Intelligence Division for its information.

OK *CH* *902* *gma*

Saxe, Bacon & Bolan, P.C.

39 EAST 68TH STREET
NEW YORK, NEW YORK 10021

(212) 472-1400

CABLE: SAXUM

TWX 710 581 3741

JOHN GODFREY SAXE (1909 - 1953)
ROGERS H. BACON (1919 - 1962)

ROY M. COHN (4)
STANLEY M. FRIEDMAN (1)
MICHAEL ROSEN (1)
CARL R. AJELLO (5)
JOHN F. LANG (3)
LOUIS BIANCONI (2)
FILIP L. TIFFENBERG (2)
ANDREW M. LEVINE (4)
JOHN A. KISER (2)
FRED DUBITSKY (1)
ALEXANDER B. DONNER (1)
RICHARD ROSENFELD (1)
KEVIN CONDON (5)
DANIEL J. DRISCOLL (1)

THOMAS A. BOLAN, P.C.
COUNSEL

OUTSIDE SOURCE

124 FIFTH
WASHINGTON
(202) 5

WITHERI
ROCK
GREENWICH,
(203) 66

March 11, 1985

(1) New York
(2) New York & Connecticut
(3) New York and Florida
(4) New York and Connecticut
(5) Connecticut

Exec AD Adm.	_____
Exec AD Inv.	_____
Exec AD LES	_____
Asst. Dir.:	_____
Adm. Servs.	_____
Crim. Inv.	_____
Ident.	_____
Insp.	_____
Intell.	_____
Lab.	_____
Legal Coun.	_____
Off. Cong. & Public Affs.	_____
Rec. Mgnt.	_____
Tech. Servs.	_____
Training	_____
Telephone Rm.	_____
Director's Sec'y	_____

Hon. William Webster
Director, F.B.I.
10th & Pennsylvania Avenue, N.W.
Washington, D.C. 20535

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5-10-88 BY SP8 JFJ

Dear Judge Webster:

Since 1950 - the year I prosecuted the Rosenberg atom-spy trial at age 23 with the magnificent investigative help of the Bureau, up to the present, 34 years later, I have had a first-rate relationship with and respect for the Bureau.

This included a close friendship with Mr. Hoover, speeches at Bureau gatherings, delivering the eulogy at Lou Nichols' funeral along with Deke DeLoach, representing Wally LaPrade when he was unfairly attacked, testifying for Mark Felt and Ed Miller at their trial in Washington, urging their immediate pardon and honoring them the day after our great President took that action - and above all, teaching my classes at law school and writing publicly time and again that the Bureau was and is the finest investigative agency in the world.

Why, then, would the Bureau permit any of its representatives to hurt my friends and clients (and me) by planting a story that our law offices were being surveilled to see if any information could be developed to support a wire-tap on my office telephone?

62-97564-124

b7c
55 AUG 27 1985

b7c

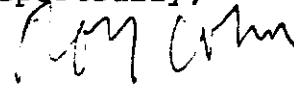
Lane, Bacon & Bolan, P.C.

Hon. William Webster
March 11, 1985
Page Two

I do not even reach the base intrusion of an attorney-client relationship, which makes this all the more reprehensible.

I realize there can be two sides to a story. If that is the case here, in fairness to all concerned, I hereby request an appropriate response from you.

Respectfully,



Roy M. Cohn

sb

Encl.

MS.TEXT HAS 1 DOCUMENT

INBOX.1 (#1501)

TEXT: VZCZCNYO106

PP HQ

DE NY #J106 1071752

ZNY UUUUU

R 171702Z APR 85

FM FBI NEW YORK

TO DIRECTOR FBI PRIORITY

ATTN: [REDACTED]

BT

UNCLAS

ET AL

RE FBIHQ TELEPHONE CALL, DATED APRIL 15, 1985.

IN REFERENCED TELEPHONE CALL, THE FACT THAT ATTORNEY ROY COHEN HAD WRITTEN TO FBIHQ CONCERNING THE ALLEGED RELEASE OF INFORMATION TO THE NEW YORK POST WHICH WAS PUBLISHED ON MARCH 5, 1985 TO THE EFFECT THAT FBI AGENTS WERE IN FACT CONDUCTING SURVEILLANCES OF COHEN'S OFFICE FOR THE PURPOSE OF TAPPING HIS PHONES. WHILE THE NYO DID CONDUCT SURVEILLANCES FOR THE PURPOSE OF ATTEMPTING TO ASCERTAIN

62-97564-125

MAY 20 1985

53 NOV 4 1985

PAGE TWO DE NY 0106 UNCLAS

THE FEASIBILITY OF INSTALLING A MONITORING DEVICE TO INTERCEPT THE
CONVERSATIONS OF [REDACTED]

[REDACTED] NO **b7c**

DISCUSSIONS OF THIS FACT WERE MADE WITH ANY MEMBERS OF THE MEDIA BY
EITHER THE PUBLIC INFORMATION OFFICE AT NEW YORK OR ANY OF THE
EXECUTIVE STAFF OF THE NYO.

BT

#0106

NNNN

-->

May 13, 1985

OUTSIDE SOURCE:

Roy M. Cohn, Esq.
Saxe, Bacon and Bolan, P.C.
39 East 68th Street
New York, New York 10021

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5-10-88 BY SP8 J. J. J. J.
274,508

Dear Mr. Cohn:

Assistant Director in Charge Lee Laster has advised me of your telephone call on March 5th and I received your recent letter concerning the matter which you and Mr. Laster discussed. I have seen a copy of the New York Post article, "FBI staked out Cohn's office in mob probe," which attributes its facts to unnamed "sources" and can understand your concern.

I encourage an open line of communication with the media, but it is not our policy to discuss ongoing investigations with the press, nor would we "plant" a story. In view of your concern, however, appropriate checks were made with our New York Office personnel to determine whether the information in the article could have emanated there. I have been assured that no discussion of the information in the article was had with any member of the media by either the Public Information Office or any of the executive staff of the New York Office. If you have any information to indicate otherwise, I hope you will let me know.

Sincerely yours,

DE-2

William H. Webster
Director

MAY 30 1985

- 1 - New York - Enclosure
Personal Attention ADIC: Reurairtel 3-6-85.
1 - [REDACTED] - Enclosure
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SEE NOTE PAGE TWO

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MAIL ROOM ☐

53 NOV 4 1985 b7c

Roy M. Cohn, Esq.

NOTE: Mr. COHN has written to ask why the Bureau "would permit any of its representatives to hurt my friends and clients (and me) by planting a story that our law offices were being surveilled to see if any information could be developed to support a wire-tap on my office telephone?" COHN is referring to an article which appeared in the New York Post on 3-5-85 entitled "FBI staked out COHN's office in mob probe." By airtel 3-6-85, ADIC, New York advised COHN called his office on 3-5-85 to discuss this article and advised he wanted to make an official complaint by either writing to DOJ, FBIHQ, the New York Office or by filing an FOIA request. ADIC advised him he had no objection to any of the above actions by COHN. The article in question indicates that sources told the Post that investigators wanted court authorization for a bug to be placed on COHN's office but were unable to gather any evidence that "Commission" members were using the office to meet. By teletype dated 4-17-85, New York Office advised neither the Media Representative nor any other individual who would have official contact with the media is responsible for the story in the New York Post attributed to unnamed "sources."

APPROVED

Director <i>W. J. [Signature]</i>	Adm. Serv. <i>[Signature]</i>	Legal Coun. <i>[Signature]</i>
Exec. AD Adm. <i>[Signature]</i>	Crim. Inv. <i>[Signature]</i>	Plan. & Insp. <i>[Signature]</i>
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	Laboratory <i>[Signature]</i>	Training <i>[Signature]</i>
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67C

SUBJECT Roy M. Cohn
FILE NUMBER 62-97564
~~SECTION NUMBER~~ 79 Enclosure



Joe McCarthy's Roy Cohn
tells it like it was.

Esquire

Believe me, this is the truth about the Army-McCarthy hearings. Honest.

by Roy Cohn

Secret dealings between our hero and Joe Welch; dating problems of Dave Schine; puzzling utterances from Stu Symington and Ev Dirksen. Now, fourteen years later, the newest version of the myth

From the secure vantage point of a forty-one-year-old looking back on history at twenty-seven, it would be easy for me to say how what I would do differently if I had it to do all over again. Then, in 1954, I was a relatively unsophisticated chief counsel for Senator Joseph McCarthy's investigating subcommittee; today I am a New York lawyer seasoned by fourteen more years of experience. It makes a difference. I had plenty of confidence then as I do now, but I doubt that today, for instance, I would ever go before a national television audience and prove myself to be as cocky and self-assured as I did then.

On the other hand, in 1953-4 my immense political naiveté probably served as a lucky sort of insulation. Had I been a wiser forty-one-year-old man I would doubtless have seen the whole incredible Army-McCarthy confrontation coming in advance, and I would probably have been immobilized by the mature attributes of caution and tact, otherwise known as fear. So, possibly it is best that it all happened to me at an early age.

In that crisp Fall and Winter of 1953, none of us on Senator McCarthy's staff realized that a series of quiet maneuvers just then beginning would eventually lead to a political explosion. Most dramatically unaware of these developments—but very much the reason for them—was Senator Joseph R. McCarthy himself.

Throughout the year Senator McCarthy, as chairman of the Senate Government Operations investigating subcommittee, had been conducting hearings into Communist infiltration of the government. With the constant attention of the press focused upon him, Senator McCarthy had involved the speaker of communism as a dangerous enemy. His charges that there were insatiable pro-Communist activities in the sensitive security assignments in government, military, education, communications and defense plants shocked the nation and divided the public. Frenzies were high on both sides. The Senator's critics accused him of "red-baiting," "witch-hunting" and worse, and his supporters answered with similar vehemence. Liberals claimed that Senator McCarthy's accusations were distorted, if not false, and they professed to be appalled at his "rough tactics"; the conservatives believed him to be sincere and shared his perceptions.

All the while, President Eisenhower fumed in the White House.

The McCarthy investigations were not only embarrassing to his Administration, but were causing dissension within the Republican party and threatening to weaken his control over it. Eisenhower wanted the McCarthy hearings stopped.

It was in the Fall of 1953 that the President decided to act. McCarthy's power was growing, both in Congress and in the party's own right or anti-Eisenhower wing. He would clearly play a dominant role in the 1954 elections, which would be fought not over the Eisenhower program, as the President's forces wished, but over the Senator's charge that there were Communists in government. And, as everyone in the Eisenhower group knew only too well, a "Red scare" could sweep the nation and return to Congress a powerful Republican right wing that would challenge the leadership of the Eisenhower faction. Worse, the Junior Senator from Wisconsin was focusing his probes on a new target: the Army.

In a short time, McCarthy would cause headlines charging that the sensitive Army Radar Labs at Fort Monmouth had a number of the insiders who, according to papers prepared for the Army by the F.B.I., were security risks. These would be closely followed with the disclosure of the Army's promotion to Major of Dr. Irving Peress, alleged to have been an active Communist Party member, and Peress' honorable discharge by the Army. Then would come the national slogan, "Who Promoted Peress?", and the outburst by Senator McCarthy at General Ralph Zwicker (the commander of Camp Kilmer) when he didn't answer the question to the Senator's liking.

Neither Senator McCarthy nor I realized that the conduct of the Army probes during the Fall of 1953 would be considered the last straw by the White House. But they were, and they set into motion the maneuvers that would stop Senator McCarthy once and for all. In retrospect, the indications were clear enough.

One day in November, a distinguished-looking gentleman who remarkably resembled the President journeyed to New York City for a lunch with syndicated columnist George Sokolsky. He had a wide smile like the President's, and was, like the President, an elderly younger brother, Dr. Milton E. Eisenhower, then head of Pennsylvania State University and the state adviser.



Memory 60 rusty? Here, arranged before you, are the star figures from the Army-McCarthy hearings of 1954. There was (l. to r., starting at the top) Joseph Welch of Boston, chief counsel for the Army; Private G. David Schine, a former McCarthy aide whom Welch dealt at Fort Monmouth; the spark that set off the hearings; Ray Cohn, McCarthy's chief counsel, who was accused of exerting pressure on the Army to get Welch's soft deal; Secretary of the Army Robert Stevens, who felt pressured; Senator Everett Dirksen (second row), anti-McCarthy; and Robert A. Taft, anti-McCarthy by the end; Senator John McClellan, a member anti-McCarthy; Senator James H. Eastland, anti-McCarthy; and Senator Stuart Symington, a more, handsome McCarthyphobe; and in the bottom row, gentle pro-McCarthy Senator Earl Warren, flanked by committee counsel Roy Jenkins, shown in each of his two notable moods: friendly questioner, fierce interrogator. It's all coming back now, isn't it? Thirty-six days in front of the television set. You need it and loved it.

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Now, this November month, Dr. Eisenhower was performing an important task for his brother—exploring accommodation with Senator McCarthy.

He had sought out Sobolev because the columnist was close to the Senator and was my longtime friend and adviser. As Sobolev related the incident to me afterward, Milson put the question squarely to him: "What can be done to work things out? How can we get McCarthy to drop the Army hearings?" The President's brother, sent to conciliate, was told that McCarthy was in an un-collaborative mood, and he undoubtedly returned with a message of small comfort to the White House.

In the same month, the White House made a second attempt to seek an accommodation. White House aide J. Jack Martin sent word to McCarthy, requesting a private talk somewhere away from Capitol Hill. At that meeting, Martin's proposal to McCarthy was in essence: Stop all public hearings into Communist infiltration of the government and hold only executive sessions. The minutes of the executive sessions will be taken to him personally. He will read them closely and take appropriate action on an administrative level against the people named in the testimony.

McCarthy rejected the proposal flatly and, in doing so, triggered a high-level decision that would eventually destroy him. What could not be accomplished by diplomacy was to be attempted by political force, not only by Eisenhower Republicans but by a number of Democrats, whose party McCarthy had once called "the party of treason."

My first inkling that a battle plan was being hatched came during an interview on a January afternoon in the office of Senator Stuart Symington, the Missouri Democrat who sat on the McCarthy subcommittee.

I will never forget that scene.

The Senator, a tall, imposing figure, greeted me warmly as I entered his office, and motioned me to a chair beside his desk. He rose, walked to the door, closed it carefully, returned to his chair, leaned forward slightly, looked at me steadily for several seconds, then said, ever so softly: "Cross-fire."

I looked at him, faintly puzzled, but said nothing. The Senator waited a full quarter of a minute, then once again in that mysterious manner he spoke the single word: "Cross-fire."

"Senator," I said, "I gather this is supposed to mean something to me, but it doesn't register. Could you tell me—I mean—what is this all about?"

Once again the handsome Senator leaned toward me and, his voice raised only slightly, repeated: "You have to worry about a cross-fire."

I laughed nervously. "I'm afraid, Senator," I said, "that I just haven't a clue."

"Now, you're a bright young man," replied Symington. "Soon you're going to know what I mean." And again, as if to make certain that the word registered indelibly upon my mind, he repeated: "Cross-fire."

That, apparently, was all the Senator had to say. He walked me to the door and his good-bye was: "Be careful; you may be caught in the cross-fire."

Who would fire at me? From what direction? When I asked, "Is there anything I can do?" he replied: "I will let you know, if I can."

He did. A few days later, the phone rang in my New York apartment. It was Senator Symington and again he was cryptic.

"Resign," he said.

"Resign, Senator?" I explained. "Why should I resign?"

"Cross-fire. Resign." The telephone went dead.

I hung up the phone and stared at it for long minutes. Then I rose and went to the window and looked out at the rooftops. I am not sure of a moment when I was more bewildered and uneasy.

I was still pondering over the significance of this interview when Senator McClellan, the ranking Democrat on the subcommittee, called the phone. Visiting McCarthy in his office, the Arkansas said that he was deeply disturbed at the turn the Army probe was taking.

McClellan said the Army felt it was being pressured. Finally he came to the point and suggested we drop the Army investigation altogether. McCarthy said he would talk to me, but didn't agree with McClellan's line.

Mounting hostility toward McCarthy and me began to color the

sessions of the subcommittee. They notified McCarthy about the Army investigation and kept making references to David Schine.

G. David Schine, then twenty-six, was a member of a wealthy hotel and theatre-chain family, committed to education against communism. Bob Morris and I had persuaded him to become an unpaid consultant to the McCarthy Committee. As such he attracted the attention of many, including McCarthy's foe, Drew Pearson, who focused Schine's draft board into reclassifying him (he had served in the Merchant Marine, and then been classified 4F due to a back injury). After the reclassification established Schine's return to service, he applied for a commission, and our, particularly my, "intervention" on his behalf gave the Army the ammunition to counterattack.

Before the hearings and before he had been drafted, Schine was best known as my "Yellow-traveler" because of our tour of United States Information Center libraries and Voice of America installations abroad. This was a routine trip—not different from hundreds that staff members of Congressional Committees took and still take every year. But the publicity on it out of Europe was inspired and managed by those attached to the U.S. Information Service and the State Department in the places we visited. Schine and I walked into a perfect trap, from which there was no escape. There is no question that the furor the trip created nullified whatever value it could have had and made it a mistake. The fact that our findings were subsequently adopted by the committee was of dubious consolation. At least we provided our State Department outposts with a new slogan: "See you tomorrow, come Cohn or come Schine."

Soon I realized that Dave Schine was intended to be the fuse to set off the blast against McCarthy. The probable line of attack was to be a claim that I had exerted undue influence and actually threatened "to wreck" the Army—which was under investigation by the committee—to gain preferential treatment for Dave.

Were my calls to the Army in Schine's behalf more frequent and insistent than was usual in these cases? Probably, because I had received word that the Army planned to block a commission for Schine in retaliation for his association with our committee.

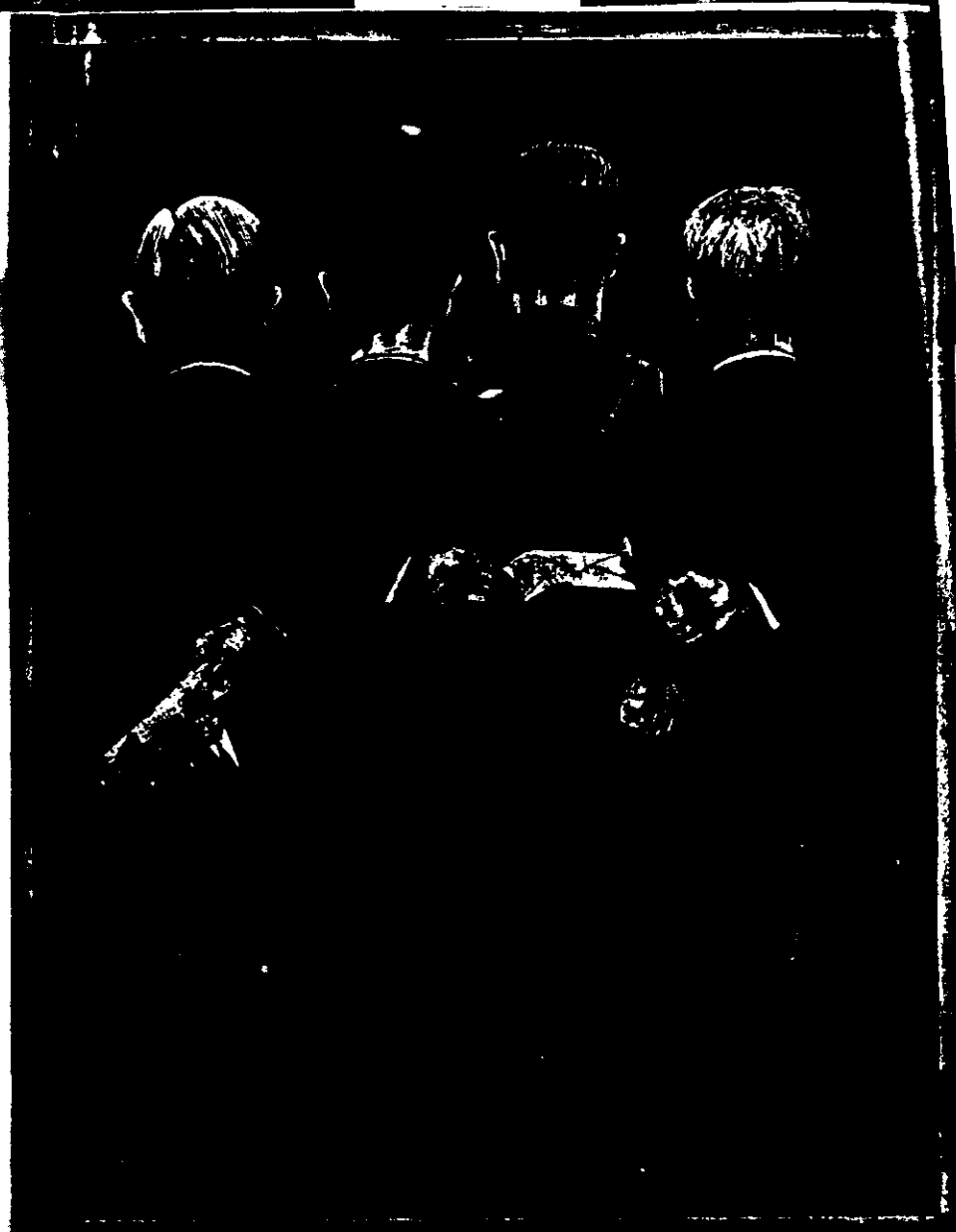
By mid-January the campaign to stop McCarthy was escalating. Toward the end of the month another conciliatory gesture was made, this time with a more specific *quid pro quo* than before. And with more of a threat as well. John Adams, the Army's counsel, attempted to persuade the Senator to call off the investigation of the Army and to get me to resign. His proposal particularly disturbed McCarthy, for from the way Adams talked, the Senator felt Adams had the backing of higher-ups.

He had, indeed.

Actually, Adams had been sent to see McCarthy following a secret high-level conference on January 21 at the Justice Department, attended by Deputy Attorney General William F. Rogers, Sherman Adams, White House Assistant Gerald Morkan, and Henry Cabot Lodge, who was both U.N. Ambassador and a special White House Assistant. At this meeting Sherman Adams told John Adams to prepare a white paper in the form of a chronology detailing my "pressures" upon the Army in Schine's behalf. This document was not meant to be made public at the time, nor was it foreseen that any answers would be made to the charges it contained. Instead, it was to be used as a club, to force my resignation and thereby, in their opinion, weaken the McCarthy threat to the Administration.

Despite Symington's cryptic warning in our strange interview and the innuendoes of the other subcommittee members, I was still unable to picture myself as the principal target. I couldn't accept the fact that I was important enough to have all these Washington officials and political figures plotting to rid Washington of me. Then, one day I discovered the reason in a newspaper.

Arthur Krock, the New York Times columnist and White House confidant, disclosed that the Eisenhower wing was counting upon Republican members of the seven-man subcommittee to join with the three minority Democrats to fire me. Their belief was that I was McCarthy's "supply line"—that I supervised the work that produced the material for hearings and investigations. With me out of the way, presumably the Senator would be unable to continue the investigations, at least at the same pace and on the same subject matter. The Republican members, who had always supported the committee in its actions, would link with the Democrats, and I would be caught in the cross-fire.



If you have eagerly followed the hearings, you didn't see it all. Television cameras can't be everywhere at once, and bag-eyed
 they have been, there were a few things going on off camera that you missed. It's never too late, though, and today, fourteen years
 look at the Army-McCarthy gang from a slightly different angle. Now, let's see: that's Roy Cohn, second from left, making
 to be a secret deal with ... no, it couldn't be ... you! with Joseph Welch! And there's Bob Stevens on the end holding the
 "secret photograph" about which Roy Cohn has a few choice words to say. It's Roy Cohn's turn, in fact, to choose several words.
 about Huntington's mysterious warning, "Cross-fire!"; about the "plan to destroy McCarthy"; about a "rehearsal" in Mc-
 Carthy's living room; about the decision to introduce the "perjured letter" at the hearings. Not until all others are heard from will the
 whole story be known. Cohn is the first on the McCarthy staff ever to step forward. He now, as he said when he took the stand fourteen years
 ago, "Roy Cohn is here speaking for Roy Cohn." For what it's worth.

Byington was beginning to make sense.

One morning, Senator McCarthy received a phone call from Defense Secretary Charles Wilson inviting him to lunch. He hated such affairs, but I persuaded him to accept. And it was well he went, for that luncheon furnished the tip-off that the campaign against us had gone into its dramatic phase.

McCarthy told me he had barely pulled his chair up to the table when Wilson informed him that a lengthy report had been compiled about me. Its theme was that as Chief Counsel for the subcommittee I had been exerting pressure on the Army to get favored treatment for David Schine. So shocking was the report, said Wilson, and the information so thoroughly documented, that he would be powerless to keep it from getting out unless I resigned at once.

"What did you tell him?"

"What do you think I told him? I told him to go to hell."

McCarthy said he had asked Wilson to let him see the charges and give me a chance to refute them. Wilson said he would, but conveniently forgot.

An hour or two after the luncheon McCarthy and I ran into Byington in the corridor of the Senate Office Building. The Missourian, wearing a conspiratorial air, said in hushed tones that he and the rest of the subcommittee had just received a "strictly confidential" mimeographed report detailing our "improper activities" on behalf of Schine. As he turned to walk away he whispered for my ears his reminder, last made two months before: "Cross-fire!"

I was beginning to feel scared and a little sick. For a few brief moments I felt that the best thing would be to pack my bags and get away from Washington and its intrigues. But when you feel trapped, you have the instinct to turn on your foes and fight them to a finish. The role of underdog, I discovered, can give one courage.

Later that afternoon friendly newsmen notified us that employees of the White House, Pentagon, and Justice Department were handing out verbatim copies of the Army's report.

One of those not surprised was Sherman Adams. He in fact admitted that the leak was planned. "Not entirely by accident," he wrote in *Firsthand Report*, "the Army's report on its troubles with Schine fell into the hands of a few newspaper correspondents before it was seen by the subcommittee, and their stories built up a backfire against McCarthy, as intended." (In this case not a cross-fire but a backfire.)

That night we held a strategy meeting at McCarthy's house. Throwing the matter out we decided that as soon as the report was made public we would retaliate with our own set of memoranda. These would recount in detail the approach to McCarthy by Army Counsel Adams, and other attempts by the Pentagon to put the heat on us to drop the Army probe. They contained revelations such as the sealing off of General Lawton, Fort Monmouth commandant, in an Army hospital to keep him from cooperating with the subcommittee. In short, these memos would tell a different story from that put out in the not-so-confidential report. They would show that instead of our pressuring the Army on behalf of Dave Schine, the Army had been using questionable means to silence the subcommittee.

Sleep was difficult that night with the day's events still whirling in my head. I finally dropped off. In the morning persistent knocking awakened me. It was my close friend, Anthony Lewis, now a Pulitzer Prize winning correspondent for The New York Times. Ray, who had been a classmate of mine at Horace Mann School in New York, was then working for The Washington Daily News.

Ray handed me The Times. There it was in black headlines four columns wide at the top of the front page:

**ARMY CHARGES MCCARTHY AND COHEN
THREATENED IF HE WOULD TO OBTAIN
FURNISHED TESTIMONY FOR SCHINE**

The story occupied the lead spot in the paper, and covered much of two pages on the inside. It got right to the point: "The Army reported today it had been subjected to direct threats by Senator Joseph R. McCarthy and his chief counsel, Roy Cohn." There followed a detailed recital of what was contained in the thirty-four-page report drawn up by the Army and made available, it seemed, to anyone willing to publish it.

Ray handed me the other morning papers. All carried similar headlines. The shooting had begun.

The telephone rang. It was Lawrence Spivak, the television moderator, inviting me to go on *Meet the Press*.

About five minutes later, one of the editors of *Time* called to say that I would appear on their cover and be the subject of the lead article. A *Time* reporter turned up and said that, whether I liked it or not, he was going to be my shadow for the next few days. I was aware that Henry Luce was pro-Administration and would see to it that I was cast as the villain in this drama. But I also knew that *Time* would do the story anyway. In such a spot what can one do but go along and hope for the best?

Meanwhile, on March 18, the day after the Army charges were published, Senator McCarthy counterattacked. He released his memoranda and disclosed the behind-the-scenes tactics pursued by Army officials.

The sensational charges he made were these:

That Secretary Stevens asked us to hold up our public hearings on the Army and go after the Navy, Air Force and the Defense Department instead. When we pointed out that we had no evidence warranting an investigation of these departments, Adams said not to worry about that "because there was plenty of dirt there."

That Army Counsel John Adams said he knew about an Air Force base where there were a large number of homosexuals.

That the Army was trying to use Schine as a hostage to pressure us to stop our hearings, and that in fact John Adams referred several times to Dave as "our hostage."

That Adams threatened, if we kept on with our Army investigation, he would fight us every way he could.

My appearance on *Meet the Press* turned out well. The questions asked were to the point and gave me my first opportunity to present my side of the story to a nationwide audience and undo the damage caused by the Army report. I termed the Army charges false and accused the Pentagon of trying to use Dave Schine as a "bargaining point" to halt the McCarthy investigation. It felt good after being the target of all those brickbats to have a launching pad for a few of my own. The TV appearance enabled me to give a clearer picture of the Schine issue. The public reaction to the program did much to restore my confidence. Letters and telegrams poured in, most of them favorable.

My success on *Meet the Press* did not sit well with the subcommittee. It was now openly hostile and made no secret of its wish to fire me. When it met a few days later I felt the chill the minute I entered the chamber. Byington, who was incensed by the broadcast, demanded to know why I had not obtained the committee's advance permission.

It was a strange challenge. Here was a group of "statesmen" cowardly out to eliminate me on route to stopping McCarthy—and one of them demanded to know why I was defying myself without getting permission from my would-be destroyers!

But the television appearance won such support from newspapers and individuals that the committee members realized my elimination would not be simple. A secret center behind closed doors would be star-chamber work at its worst. The newspapers were calling for an investigation, and so the committee, whether they liked it or not, would have to go through the motions of a hearing and suffer my side of the case.

A dramatic chain of events had been set in motion. The Army had made its move. The subcommittee had made clear where it stood. For my part I could not resign under fire, nor would Senator McCarthy permit me to do so.

He counsel selected for the Army during the hearings was Joseph N. Welch of Hale & Dorr, an old, much-respected Boston firm. The sixty-three-year-old Mr. Welch was a courtly gentleman with an old-fashioned grace of manner and a soft, dry wit. Although he was the very picture of the proper Bostonian, Mr. Welch was born on a farm near the prairie town of Pringher in the northwestern corner of Iowa. At Hale & Dorr, he worked standing up at a chest-high desk, the only one of the nineteen partners who preferred this old-fashioned work habit. After the hearings ended, we became friends and I treasure a letter I received from him, thanking me for laudatory comments I had made about him to a magazine interviewer.

Joe Welch's rep for public performance was keen and his talent for it admirable. In one brief exchange (Continued on page 123)

The alternative attitude (of which I am often guilty myself) of assuming that success is always to be deprecated, and that only failure is admirable, can also mislead. It is true that among writers the greatest successes are, more often than not, the weavers of disaster: Mrs. Mannham or Heming-

BELIEVE ME, THIS IS THE TRUTH ABOUT THE ARMY.
MCCARTHY HEARINGS. HONEST.

(Continued from page 38) during the hearings, I gave voice to this opinion and I am sure Joselyn confirmed the observation. He had asked me about a visit I had made to the Stark Club in New York City, at that time one of America's best-known restaurants and supper clubs.

WELCH: By the way, I have never been there. That must be an expensive place, isn't it?

COHEN: It depends on how many people you have with you, sir. . . .

COHN: Well, they cater to television celebrities, Mr. Welch, and I think you could.

For all his old-fashioned ways and
deceptive gentleness, I never underesti-
ated Joe Welch. He was a formidable
adversary.

Counsel for the committee was selected by Senator Everett McKinley Dirksen of Illinois. On a visit to Tennessee, Dirksen had met a burly, raw-boned mountaineer lawyer from Knoxville named Ray H. Jenkins, a man with a lantern jaw, a tough exterior, and a reputation for sincerity, determination and fairness. He was a superb criminal lawyer who had tried some five hundred homicide cases without losing a client.

Jenkins was a born showman, with a gift for holding an audience or a jury in the palm of his hand. "He's the sort of lawyer," The New York Times said, "who completely dominates a case in a court. Rising with square jaw set and fire in his eyes, he'll unbuckle his collar, loosen his coat, untie his shoelaces and go to work. The gestures of his hands are almost as gripping as his delivery. He reminds one of a boxer when he sets his jaw. He laughs often, derides, always showing emotion." He made an immediate hit with the committee members.

A few days after his appointment as
 Counsel, Jenkins came to see me in my
 office in the Old Senate Office Building.
 I awaited the interview with trepidation
 because I had no notion what he
 might be like. Would he be friendly or
 hostile? Would he listen or was his
 mind made up? The odds against me
 were long and I didn't want them
 longer.

James' tall, angular form appeared in the doorway. We shook hands. He sat down at the side of my desk and, for my first good look at the mountain climber, he was not what I expected. He was certainly more formidable than his photographs, probably because of his thin, pleasant smile which now blossomed on his face. Suddenly he rose and went to the door, carefully shutting it behind him. He returned, and after a moment he sat down, and I asked him to get a new drink. "What do you think of the States?"

I laughed. "I have a great deal to say about both gentlemen," I answered.

way, but there are also Tolstoy and Dickens and even Shakespeare to demonstrate the contrary. I expect the best thing is to forget the whole matter—like the glorious moment, living in the tropics, when one throws one's thermometer away.

Pedhorrets has many interesting things to say about contemporary writers, especially the Jewish ones. I should like him one day to write a book I long to read—a study of the interrelation of Jewish and Euro-American culture. Probably this has been done many times, but he would do it superlatively well. The only condition would be that before beginning to write he should spend six months in Israel, preferably on a kibbutz. *

and we began discussing the preparation of our case. We reviewed the persons we would probably call as witnesses in our behalf, one of whom would certainly be Dave Schine. I asked Jenkins: "What should we do about that? He's important to us, of course, but he's serving in the Army."

Jenkins replied: "Don't worry about that. We'll arrange to get him here for the preparation and the hearings."

Jokingly I observed: "I hope they won't get you up on charges of asking special privileges for Dave, as they have us."

Jenkins laughed.
I liked the man. After that initial interview, I was satisfied that the com-

mittee had chosen well. While the majority of the special committee appeared set upon a public lynching, it was good to feel that its special counsel

Meanwhile, our side was still without counsel. The Senator, Frank Carr and I spent hours on the problem, weighing innumerable candidates. "Look," I argued, "I'm a lawyer. I can prepare the case. There is nothing devious here, no complex story to build up, no careful strategy to concoct. We have a simple story to tell. The facts are the facts, and the art of counsel

cannot change them." I was young, proud and doubtful a little stubborn in my belief that I needed no outside counsel to assist me in telling what I knew was the right side. But I succeeded in convincing McCarthy and Carr to enter the lists without counsel, leaving the field to Mr. Welch for the Army and Mr. Jenkins for the committees.

Days and nights blurred together in those weeks before the hearings. McCarthy, Jim Juliana, Frank Carr, Dave Schine and I spent hour after hour carefully and methodically

ing down our recollections, dredging up from our memories every stray fact that had a bearing on the issues. Sleep was unusual, uneatimes forgotten Hamburgers and tea appeared at odd hours. We worked, all of us, harder than ever in our lives.

At last we were ready.

On April 22, at two-thirty-five in the morning, Karl Haupt banged his glass

From the first day to the thirty-sixth and last, it was incredible theatre, drama with heroes and villains, exuberant

ment and corn, suspense and unexpected twists. It was the costliest extravaganza ever mounted for the American public—costly to the taxpayer, to Congress, to the Armed Forces, and to the executive branch, costly to the people. The cost was estimated at more than a billion dollars—about as much as the United States has ever pumped several million dollars' worth of advertising to put on. Across the nation twenty million citizens listened on radios and watched on TV sets. No baseball World Series drew so much attention as the game of Army versus Navy. McCARRY, IT WENT ON, BEARING THE PAIN OF THE PEOPLE FOR THE PEOPLE. He was the keystone blockade of the investigation of crime and the underworld, which ran its course eight days.

I formed an inseparable quartet. We had nearly every morning a slight breakfast, and I had a breakfast conference. Joe lived in an old three-story frame house, one of a long row, at No. 20 Third Street in the northwestern section of Washington, near the old city hall. The house was built by him and his wife Jeannie had had most of the interior scraped out, and had the converted the rambling house into a lovely residence. A large living room, thirty-five feet square, had a fireplace on the west wall, and a large bay window front by ripping out a few walls. Jeannie had furnished the room in contemporary "modern." At the head of the second floor, a sunken den had a fireplace, a bay window, which also featured a startling ten-foot-square reproduction of a Jesse James "Want ed" poster on one wall. It was, as Jeannie

Our morning talks took place in the living room, around the fireplace, Joe seated in a large upholstered chair, I perched on the edge of a large sofa, and the others gathered around. Jean was always there to greet us and serve us breakfast on a tray. We would confer between bites until nine, when we'd start out for the hearing room. I don't recall Jean missed a session.

Each day as we left the house, George B. Danker of Washington's Metropolitan Police Department would be waiting to escort the Senator to the hearing. At the conclusion of each day, Lieutenant Edward Adams of the Capitol Police Force would escort him home. Wherever the Senator went during the day, one would walk ahead while the other followed close behind.

The luncheon recess was used mainly for conferences, with food an incidental. About half the time, we would go to the old Carroll Arms across the street, the hotel where the Senator felt so much at ease. We sat at a round corner table. Joe never varied from his noonday order: a medium hamburger, sometimes with a slice of raw onion, and a tomato. For drinks, there was tea, hot or cold, or milk shake.

Occasionally Jean McCarthy, a staff member, or Mary Driscoll, the Senator's secretary, would join on for lunch. After lunch we would open another hour or so in the Senator's office until the afternoon session began. At other times we would lunch at McCarthy's home.

When the hearings recessed for the day, generally around four-thirty or five, we'd proceed to the Senator's office to confer about the next session.

There was no time for day-after quar-
terbacking. The work of preparing for
the following day occupied all our at-
tention.

The evening conferences lasted from one to three hours, followed by dinner either at the Senator's house or, more frequently, at the Colony Restaurant. Then more planning until, about midnight or one a.m., the day would finally end.

Distinguished visitors came daily to the hearings, which quickly acquired the status of a major social event. One day Jacqueline Kennedy, recently married to the young Senator from Massachusetts, watched the proceedings from a seat behind the witness chairs. When Perle Meets ~~swung~~ into the chamber with an entourage, Senator McCarthy ~~Keened over to me and~~ whispered, "I've never been to any of her parties but here she is at mine." This former Minister to Luxembourg told reporters she was not planning any gala events for a while. "I couldn't compete with this."

Certain "regulars" were the wives of several Senators. They were seated directly behind the Senators on the committees. They were dynamite as allies. They encouraged me when I was depleted, and they gave me wise womanly-intuitive, as well as sound practical advice about politics and the men who practice it. These women and Jean McCarthy, were not only smart and attractive but intelligent with an understanding of politics and the nature of men and events that would put many of their husband's colleagues to shame.

If the Democrats on the subcommittee wondered, as I AM sure they must have, how I knew in advance the questions they planned to ask or the moves they intended to make, they will learn now that I was gifted, not with extrasensory perception, but with memos from the senatorial wives who would steal glances over the shoulders of their husbands. I was also a member of "opposition" Senators on the committee. I would get a knowing nod, which was a signal for me to send someone over to pick up a note containing the latest information. They put the C.I.A. to shame.

They had a formidable sense of humor about the hearings. Once, when they were especially put out at Senator Symington, they had a bottle wrapped as though it were a gift of liquor and passed it to the distinguished Senator from Missouri. He glanced at it, nodded his thanks to the ladies, and nudged Bobby Kennedy. "After the hearing," he whispered, "we'll have a drink." The Senators impatient to know what brand the ladies had sent up, tore off part of the wrapper under the table to read the label. It was ritrate of margarine.

Secretary of the Army Robert Stevens was the first important witness for the Army, and an undisputed disaster for his side. Fifty-five years of age at the time of the hearings, he was a gentleman, but an incoherent "man-eating" Washington jungle. It was hard to make out qualifications for the high office of Secretary of the Army. He had always been a prominent Republican, was head of the J.P. Stevens textile company, and a famous fund-raiser. He undoubtedly was a large contributor to Republican activities. But he lacked the mental toughness of mind to handle hard politicians running the Pentagon.

He went through his direct examination and told his story, which was more or less a repetition of the findings of the already-published Army charges.

After the initial testimony, he was cross-examined. That cross-examination was devastating. It revealed

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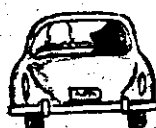
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Stevens not as a man threatened by Senator McCarthy and his associates, as the Army charged, but as a top-level government official who saw nothing unusual or improper in anything the committee staff did, and who, in fact, went far out of his way socially and officially to win the favor of McCarthy, Schine, and myself—the very people he was accusing.

Under cross-examination Stevens admitted that his one clear aim during the tumultuous months before the hearing was to stop the committee's investigation of Communist infiltration into the Army—exactly as we charged in our forty-six-point bill of particulars.

Accordingly, his testimony disclosed, he proposed that our committee suspend its investigation and let the Army take over. When Colonel Jenkins coldly pointed out, "I think that you wanted as long a suspension as possible, didn't you?", Stevens replied candidly, "Well, I suppose that I probably did." The Pentagon must have shuddered.

Stevens was to admit a great deal more. Far from showing indignation at the "improper pressures" supposedly exerted, the Secretary of the Army displayed affable indulgence toward all members of our staff, to wit:

That he had made arrangements at the elegant Merchants Club in downtown New York for us to be entertained there while the New York hearings were in progress; we could order whatever we pleased, whenever we pleased, and the bill was to be sent to him.

That Stevens was entertained at dinner at The Waldorf-Astoria hotel by Mr. and Mrs. J. Myer Schine, David's parents, my father, Senator McCarthy, and me. And that it was a pleasant party, with much laughter and good talk. That he had posed for a smiling photograph with Private Schine at Fort Dix only a few days after he had supposedly charged we were improperly pressuring him to give preferential treatment to Dave.

That photo became a national sensation because Mr. Welch charged it had been "doctored." The day after it was introduced, he showed the committee another picture. The one placed in evidence, he said, "was an altered, shamefully cut down" version intended to show only Stevens and Schine together. Actually, he insisted, the two were pictured in a group but the rest of the group had been cropped out. Others in the original picture were Frank Carr and the commander of the base.

A series of witnesses took the stand—Jim Julianna, George Amato, a staff aide, a couple of others and I—to testify about the differences in the pictures. The explanation was incredibly simple and did not alter in the slightest the importance of the dispute.

I had recalled seeing such a photograph and noted Dave Schine about it. He replied that he had the photo framed

on the wall of his office. I asked him if he could get it; he made a special trip to New York and brought it down, arriving with it in the midst of the first day's hearing. When Jim Julianna whispered to me that it had come, I whispered instructions to get copies made of the picture showing Stevens and Schine. I did not see the original picture and did not know that the base commander was in it, nor would I have considered that of the slightest importance.

Julianna passed the assignment along to Don Burine of our staff. Don was on friendly terms with the technicians manning the photocopying unit in the basement of the Senate Office Building and got the job done quickly: blown-up pictures—one of Stevens and Schine and one of the entire group. He received two copies of each and brought them back to Julianna. There was no thought in my mind, in Julianna's mind, in anybody's mind of trickery, fakery or any of the

hanky-panky later attributed to us. And the holocaust that ensued did not alter the basic meaning—that Bob Stevens posed for a photograph with Dave Schine days after he was supposed to be bitterly angry at him for using so-called "improper pressure."

Similar misplaced emphasis was put on the famous "purloined letter."

FOR AN ENTIRE YEAR, a document had been locked in Senator McCarthy's office files. It was addressed to Major General A.E. Bolling, chief of Army

TELL HER YOU'RE GLAD TO BE HOME. THIS WILL HELP.



The flowers you have to supply. The S&H Green Stamps we supply. You get them for every mile you drive a National rental car.

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Next trip rent a National car. And when you're home and glad to be there—tell her so. Say it with Green Stamps.

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...or exceptions to it. . . .
And so, at thirty-five on May 17, the hearings were resumed for a week. Senator Dirksen went to the White House to try to convince the President to change his mind. But the President refused to allow us to establish for the record the full truth about that fateful January 21 meeting when plans were drawn to destroy Joseph McCarthy.

At this point Senator Dirksen concluded that the public interest was not being served and that elements in the Administration were cutting a sorry figure in the country's eyes. Something had to be done, and quickly.

The politically astute Dirksen mind worked fast. At this stage, he reasoned, some method must be devised of closing the public hearings before too many of the public began to wonder what manner of men were steering the ship of state. Accordingly, he engineered a series of plans designed to end or curtail the hearings, whichever the committee and principals would accept. Some of the moves he initiated were presented to the committee at open hearings and published at length in the newspapers. But the most intriguing elements, as well as the astonishing aftermath, were never revealed.

One day while the hearings were in progress, Tom Coleman, an Administration intermediary, approached a friend. Coleman was closer to Senator McCarthy than any other political leader, and at the same time he stood well with other segments of the Republican Party, including the White House.

Mr. Coleman asked the friend: "Would Roy agree to a plan, involving him personally, that would result in ending the hearings at once, or at the very least shortening them considerably?" Mr. Coleman then outlined the proposal.

John Adams and I were to resign simultaneously, he as Counselor for the Army, I as chief counsel to the subcommittee. We were to announce that we were taking the step as a personal sacrifice in end hearings which were becoming so long and wearying. Thus we would save the taxpayers money and serve the nation.

Senator McCarthy and I, after much soul searching, agreed to the proposal. So on the morning of a day when the hearings were in recess, I was installed in a suite of the Mayflower Hotel and told to remain there until I received a phone call informing me that the deal was accepted by the Army. I was to spend the time composing a letter and statement of resignation to match similar documents by John Adams.

That was a lonely, daylong wait at the Mayflower. I ordered lunch sent up, ate it with no appetite, and paced the room nervously. During the morning and afternoon the phone rang with "progress reports" from Coleman & friend: Pentagon chiefs in a huddle. . . . Adams undecided but would do as his boss wished. . . . Stevens thought the plan had merit, but. . . . Things look bad. . . . Things look good. . . .

In between calls, I began drafting my statements on a yellow legal pad, read them over many times, making change upon change.

The afternoon waned. Toward six, I ordered dinner. I left most of it untouched. Time passed. It began to grow dark. The telephone rang again. It was Coleman's friend. The Army, he told me, had rejected the proposal. "It's very poor judgment on the part

of the Army people," he said. "But they did it and that's that. You may as well go home."

I hung up, tore my resignation and the accompanying statements into tiny bits, tossed them into the wastebasket and returned to my less luxurious quarters at the Carroll Arms.

Dirksen was furious. He went to the White House, the Army's letter in hand, and asked that the Administration insist upon the Army agreeing to the plan. But despite his eloquence, the White House refused to bring any pressure on the military. If that was how the Army wanted it, Dirksen was told, that's the way it had to be.

The fiasco had one important development: Administration, White House and Army lost a valuable ally in the hearings—Everett Dirksen.

Earlier, the Senator from Illinois had become disenchanted with the proceedings because he sensed that the emotional upheaval caused by the clash was dividing the country. When his bid to close the hearings had been turned down, Dirksen felt it his duty to take the stand and recount the pressure that the Army had put on him to call off McCarthy's investigation. He opened the floodgates: Mundi and Potter followed suit, telling of pressure put on them, too. The Army's role in the whole affair sank lower and lower in the public's eye.

My first appearance on the witness stand came at midmorning of April 27, the fourth hearing day. It was disaster. I committed virtually every possible blunder. I was rambling, garrulous, repetitious. I was bawling, snoring and spazzing. I was pompous and petulant. Worst of all, I tried to match grips with the rapier-minded Joe Welch, who had behind him some forty years of courtroom experience in the art of humiliating a legal opponent on his verbal foil. I was badly outwitted a number of times.

From the transcript, I have chosen some of my most notorious and hated statements they unapologetically projected during that brief initial session. It should be noted that as the witness stand as in life, often it isn't what you say so much as how you say it. Time while the words alone may not answer for disrespect in gold print, a certain tone and attitude accompanied them that made the almost momentous less than self-effacing.

Announcer: "Roy Cohn is here speaking for Mr. Cohn, to give the facts." (I still grimace at the recollection of that grand pronunciation.)

IMP-IMP-IMP-IMP: Asked if I could produce the original photograph, I replied I could but indicated the committee had to understand that "I have an awful lot of papers and stuff to attend to and it is not in my possession." I added confidently (and pompously), "I am sure it is under my control."

COMMUNIST: "I will be glad to answer any question that any member of the committee wants to ask."

Q: "I advised Mr. Cohn how to conduct his examination of you. (I wonder if we could do it this way: Could I give you my recollection as to exactly what I did do?)" Surprised but courteous he replied that that would be fine. Several times I corrected him unnecessarily. ("Remember me, Mr. Jenkins. Yes, my the day before yesterday? I believe it was the end of last week.") He acknowledged I was right but the time made no particular difference. I kept making the same points over and

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...had to be reminded sharply. ...Joe was a small failure. At one ...stashed over whether Stevens ...were smiling and looking ...Welch disagreed, calling Ste- ...expressed "grim." He handed ...the photo which showed Stevens ...the right, Schine in the center and ...Colonel Bradley on the left.

Welch began by suggesting that the Army Secretary may have been directing his gaze at the colonel, rather than at Schine. "It would take someone with disfigurements to know to whom Secretary Stevens is looking, would it not?" he asked.

"No sir," I replied, "I don't think so. It would take somebody with common sense who can look at a picture and see what's in it."

Welch pursued the point. "I think I observe on Colonel Bradley's face a faint little look of pleasure. Do you, sir?"

"I would say I know that Colonel Bradley had a good steak dinner shortly afterward," I replied. "Perhaps he was anticipating it."

My attempt at humor gave Welch a golden opportunity for a line that brought down the house. "If Bradley is feeling good about a steak dinner," he said, "Schine must be considering a whole haunch of beef!"

Earlier, after I had announced that I was not represented by an attorney, Welch said: "Mr. Cohn, I assume you would like it understood that, although I sit at the same table, I am not your counsel."

"There is not a statement that has been made at this hearing with which I am in more complete agreement," I answered. "...I have no counsel here..."

"In all modesty, sir," the Bostonian replied, "I am content that it should appear from my end that I am not your counsel."

It was a neat thrust, slyly implying I would do better if he were my lawyer. The comment drew a wave of laughter but my uniform rejoinder did not. "I might say," I said, "that the Air Force is not going to get any fee from me. Mr. Welch went on to other matters, he knew when to leave a point after scoring."

During the luncheon recess, I walked to the elevator with Senator McCarthy for a conference. In his fourth-floor suite, you were about the worst witness ever heard in my life, he said, and proceeded to catalog my faults. He was a master of the clever, cutting remark. He was a master of the clever, cutting remark. He was a master of the clever, cutting remark.

The Air Force proposed the question of legal representation: should I now get a lawyer for my future appearance before the committee? Before I was summoned, practically all my close friends and relatives had advised me to obtain counsel. I had several who were in the Air Force, and they were so hard on me that every other witness had the lawyer sitting with him, even John Adams, the Army's own lawyer; that since I was a principal in the controversy, I needed a cool, objective individual at my side to help me maintain perspective. I lost count of the times I heard the advice, quoted earnestly into my ear, that the man who acts as his own lawyer has a fool for a client.

My father pressed me to obtain counsel. "Get Charlie Lockwood or Paul Windels," he urged. Mr. Lockwood was a retired New York State Supreme Court Justice and Mr. Windels was

former Corporation Counsel of New York City, both highly respected. Senator McCarthy told me in his office that very noon: "Roy, run, don't walk, to a lawyer! Get Eddie Williams." Edward Bennett Williams, still in his early thirties, was already earning a brilliant reputation as a trial counsel. That night, I spoke by telephone to George Sokolsky and some other good friends. Their advice: "Get a lawyer."

Finally I arrived at a decision. Despite my best intentions, I would go it alone. I would embark upon an intensive campaign to prepare myself for my next appearance, devising a strategy intended to present myself in the best possible light before the twenty-million-member jury on the case.

I had come to the realization that the Senate hearings were less a search for truth than a gigantic personality play, with the "winner" or "loser" to be ultimately chosen on the basis of impressions built up during the sessions rather than on the evidence. Originally conceived as part trial and part fact-finding mission, the investigation had quickly become mostly show and image building. The older and more experienced principals, I saw, understood this from the beginning and were playing shamelessly to the grandstand. They all knew that you don't have to be wrong up there in the hearing room in order to lose—you just have to be made to look like a lackey.

The old pros understood. Willy Joe Welch, though protesting he was only a country boy new to the ways of Washington, was not deceived. He was constantly played for effect. Curiously, Senator McCarthy understood the game too. Many times he told me that nobody would be adjudged guilty or not guilty when the hearings ended, except in the eyes of the people. But although he was able to perceive flaws in the performance of other witnesses, for example, he lacked the critical insight to evaluate his own.

My plan called for an objective appraisal of my initial appearance. Studying the transcript, I recalled the manner of my replies, and forced myself to write down each fault as I discovered it. I made a long list. Reviewing it, I determined to work hard to change each debility into a credit.

Lacked of being talkative, I would speak to the point.

Instead of being aggressive, I would be withdrawn, almost shy.

Instead of being smart-alecky, I would be deferential.

Instead of being excitable, I would be poised and unruffled.

Most important, instead of being surrounded by a host of advisors on the stand, I would sit there all alone. When Stevens and Adams testified, there were so many high-ranking military officers sitting behind them, one wondered who was left to run the Pentagon! I felt that the contrast between the lonely figure on the stand and the brass-encrusted Army witnesses would be striking.

From that time on, I utilized every free moment to prepare for my next appearance. I tried to anticipate every possible question that would be hurled at me and, hour after hour, I practiced my answers. At night, I sat before the mirror in my hotel room, studying my demeanor and listening to the intonation of my voice as I answered my own questions. I probed for any characteristics that might be interpreted unfavorably and, when I found them, rooted them out with practice.

It was not easy to convince Senator McCarthy that I could carry it all this without the help of counsel. He said, "You're making a serious mistake. You're in a dogfight with a lot of sharp characters who have made up their minds to do you to pieces. I'm older than you and I've been through the mill. Take my advice. For the sake of your own survival, get a lawyer."

"Joe," I argued, "I respect your judgment and experience and every day that I spend in this jungle I become more and more aware of my own inexperience to cope with the infighting. But I've grown a lot older in a very short time, and I am beginning to see how the game is played."

Reluctantly, the Senator agreed. However, to make certain I would not fumble seriously, he asked me to his home for a full-dress rehearsal. On May 26, a small group gathered in the McCarthy living room for the performance. Present to test me were the Senator and his wife, Frank Carr and Jim Juliana of the committee staff, Jack Foley, a friend from New York, and Willard Edwards, Chicago Tribune correspondent.

I sat in the center of the living room, facing the questioners. Before the barrage began, Edwards told the group: "Roy's greatest handicap is the general feeling that he's a cocky young so-and-so, and he should strive to remove that impression." I caught McCarthy's eye. Neither of us bothered to say that I was acutely aware of this, and had been working to correct it.

Today, I can entertain with a degree of detachment Mr. Edwards' characterization of the impression I made, as well as criticism leveled at me during those turbulent months. I was elected by President Truman to membership in his Private S.O.B. Club, denounced by Defense Secretary Wilson in impressive though unprintable profanities, accused by Vermont's Senator Fletcher of being "engaged in some devious, mysterious, unexplained conspiracy to destroy civil liberties," and excoriated by some forgotten journalist as a "Jewish spy who said out to the Communists." Indeed, "cocky young so-and-so" was the least of the lot.

Next morning, Edwards wrote a detailed memo about the evening and filed it for posterity.

"The hour of the meeting was set for eight p.m. When Jean answered my ring, she and the Senator and her mother were just finishing dinner. It was fried chicken, for a change, not one of the usual pickup meals which seem to be popular in the family. Joe was in the living room, on the telephone. Jean made coffee and I joined the Senator.

"He was in a serious mood. I remarked that Senator Dirksen appeared to have swung over completely to his side. During the day he had offered me advice for Cohn's alleged threat to 'wreck the Army,' remarking that it was in the great American tradition to sound off in that manner when displeased, and that the threat which was not to be taken seriously."

"Joe repeated what I have heard him say on many occasions, that he had no ambitions whatever to take over the leadership of the motion of the Republican Party that is dissatisfied with President Eisenhower, that it was incredible that he could be the one to succumb to a seductive force."

"I am perfectly willing to be the hotshot man," Joe remarked. "I can see that things are developing to the point that it will appear to be all Eisenhower on one side and all McCarthy on the other. But I am not the man to become the leader of the one side. I am still unable to determine and I don't think anyone knows, even he himself, if Joe has serious White House ambitions but feels it is good strategy to conceal them at this time."

...Roy arrived at eight-fifty p.m., which is punctuality for him. He was accompanied by Frank Carr, Jack Foley, and Jim Juliana.

The next two hours were occupied by Roy's running over his proposed testimony. There were numerous distractions, some of them irritating, others humorous, and I remember thinking at the time that this was one of the most unusual groups I have ever seen in action. The amazing fact is that they are the most efficient investigating group I have observed in twenty years of experience on the Washington scene, despite what seems at times to be a most haphazard method of functioning.

"Roy sat on a chair, with Juliana and Foley taking turns at asking him the questions. McCarthy constantly interrupted. I reserved my advice to suggesting that Roy assume the attitude he had adopted on his *Meet the Press* program some months ago—modest, almost humble, self-effacing, with references at times to older heads with more wisdom than his. There was some banter about this being a difficult role. I suggested that Roy's greatest handicap was a general feeling that he was a cocky young so-and-so, and he should strive to remove that impression. He said simply, 'I am one,' but agreed to do his best."

"McCarthy's theory was that Roy would be telling the greatest spy story ever told in describing the preliminary history of his record as a criminal prosecutor in communism cases. He wanted this gone into in great detail, with documentary reading at times. It would all be familiar to us, he noted, but the TV audience would find it new and thrilling."

"As the story continued, Joe wandered off, returning at times to interrupt with suggestions. So did the others and after the first hour I was the only one listening. Meanwhile the telephone was ringing constantly, the McCarthy household was barking its head off at intervals, and Roy was continually distracted. He was entitled to quiet attention as he faced a climactic role in his life, one that may avert the direction of a future career, and he earned my sympathy. It is at times like these, when he was obviously perturbed at the repeated distractions, that I realize he is only twenty-seven, a fact one is inclined to forget because of his brilliance of mind and apparent superb confidence in himself. He is still only a young man, the center of one of the most frenzied spectacles of our times, and I have a good idea that when he is by himself, his inward anxieties are heavy. I discovered that evening that he sleeps badly and has been taking pills."

"Frank Carr revealed that the committee has subpoenaed and questioned a young young brunette who is one of Dave Schine's girl friends, No. 1 on the list at the present time. She is the one to whom Dave made several phone calls a day during his Fort Dix stay and the committee obtained her name through subpoena of the telephone records. The Army has insisted upon questioning her to determine if Dave misused his pass privileges for family entertainment when he was supposed to be engaged on committee business."

"There was much discussion of whether her testimony would hurt or harm the McCarthy case. She was Dave's companion on New Year's Eve and her testimony would be that she freed the evening away while Dave poured over committee records to prepare for the annual report. This was fine, but would anyone believe it? During the evening a call came from Senator Mundt, and McCarthy re-

ported Murch thought the girl's testimony was not pertinent. This, however, was undecided and the beautiful girl was present in the hearing room this morning. From what I heard, if she testifies, it will be a bold day for the press.

"Dave called up and said he was with the girl. Joe asked them to come over, but Dave said his companion was dead tired and was retiring. He showed up as he was later himself. He was dressed in Fort Meyer at one a.m. and greeted someone to call up his color and get him in the middle of his story and asked for action.

"Dave, for God's sake," responded Joe, "do you realize that I'm going on before twenty million people tomorrow and am trying to get my thoughts organized?"

"At eleven p.m., Joe broke up the conference. He insisted that Roy be fresh for tomorrow's ordeal and go home and get some sleep."

The next day, I took the witness stand and was questioned in depth by Roy Jenkins. His cross-examination was tough, but fair, and I managed to get through it in good shape without any incidents.

Finally, Roy Jenkins' turn to ask the questions. Now his demeanor underwent a complete transformation. His gentle voice took on a new sharpness; the courtesy manner disappeared. His questions came faster and faster, his voice grew louder, his sarcasm became more biting.

The tension rose as we faced each other across the table. And then the Fisher incident happened in the hearing room and throughout the nation.

Though hearing scarcely fifteen minutes, the Fisher episode was the emotional climax of the proceedings. What the event itself was enacted in full view of millions, the complete story is here told for the first time. The gaps in the public's understanding of the Fisher case are many and wide. Here is the way it was:

On the late afternoon of June 9, Joe Welch was demanding to know if our subcommittee was routing out spies and Communists from their roosting places as swiftly as they could be detected.

"Mr. Cohn," he asked, "if I told you now that we had a bad situation at Monmouth (Fort Monmouth, New Jersey), would you want to cure it by running if you could, wouldn't you?"

And again: "Mr. Cohn, tell me once more. Every time you learn of a Communist or a spy anywhere, is it your policy to get them out as fast as possible?"

And still again: "May I add my small voice, sir, and say whenever you know about a subversive or a Communist or a spy, please hurry. Will you remember those words?"

Senator McCarthy was growing anxious by the moment of what he later characterized as "baiting" of the witness and "silencing" of the hearing. Finally, his patience exhausted, he spoke up from his place at the end of the witness table:

"Mr. Chairman, in view of that answer, a point of order!" asked Senator McCarthy.

"Quietly, Mr. Chairman," answered the Senator, "but in view of the fact that the information he is giving once we know of anyone who might be performing any work for the Communist Party, I think we should tell him that he has in his law firm a young man named Fisher whom he recommended, incidentally, to do work on this committee, who has been

for a number of years a member of an organization which was named, oh, years and years ago, as the legal mouthpiece of the Communist Party."

Senator McCarthy was referring to Frederick G. Fisher Jr., thirty-two years old at the time and a law associate of Mr. Welch. Fisher, McCarthy pointed out, had been a member of the National Lawyers Guild, an organization described by the Attorney General as "the legal mouthpiece" of the Communist Party.

"I have hesitated bringing that up," the Senator said, "but I have been rather bored with your phony requests to Mr. Cohn here that he personally get every Communist out of government before sundown."

Sharply, McCarthy pointed out that Welch had recommended Fisher to assist him as special counsel. "I am not asking you at this time to explain why you tried to foist him on this committee," the Senator said. "Whether you knew he was a member of that Communist organization or not, I don't know. I assume you did not, Mr. Welch, because I get the impression that, while you are quite an actor, you play for a laugh, I don't think you have any conception of the danger of the Communist Party. I don't think you yourself would ever knowingly aid the Communist cause. I think you are unknowingly aiding it when you try to burlesque this hearing in which we are attempting to bring out the facts, however."

During the Senator's remarks, Lawyer Welch had remained seated, staring fixedly at the counsel table. Now he stood up and, close to tears, spoke slowly and feelingly as millions watched.

"Until this moment, Senator, I think I never really guessed your cruelty or your recklessness. Fred Fisher is a young man who went to the Harvard Law School and came into my firm and is starting what looks to be a brilliant career with us."

He went on to explain that he had indeed intended to name Fisher to assist him as special counsel on the committee but, at dinner one night in Washington, had asked him point-blank if there was "anything funny" in his background. Fisher, Welch said, had replied that when he was in law school "and for a period of months after" he had belonged to the Lawyers Guild. "I said," Welch told the committee, "Fred, I just don't think I am going to ask you to work on the case. If I do, one of these days that will come out and go over national television and it will just hurt like the dickens." So, Senator, I asked him to go back to Boston.

The audience in the great Senate Chamber Room was hushed; all eyes were upon the elderly lawyer as he continued to talk, his voice heavy with emotion.

"Little did I dream you could be so reckless and so cruel as to do an injury to that lad. It is true he is still with Hale & Dorr. It is true that he will continue to be with Hale & Dorr. It is, I regret, equally true that I fear he shall always bear a scar needlessly inflicted by you."

A moment later, he uttered what is perhaps the most remembered line of the hearings: "Let us not assassinate this lad further, Senator. You have done enough. Have you no sense of decency, sir, at long last? Have you left no sense of decency?"

Mr. Welch, tears now glistening in his eyes, refused to discuss the subject further and took his seat. Suddenly the tension in the room snapped. Spectators and even newsmen burst into applause despite Chairman Murch's

frequent warnings against any demonstrations.

No dramatist could hope to write a more eloquent and moving scene.

What were the facts? The first thing that needs to be said is that the impression was created that McCarthy exploded a deep, dark secret for the very first time, which was by no means the case. The Fisher story had been all over the newspapers on April 15 and 16, almost two months before. For example, The New York Times had published a photograph of Mr. Fisher on page 16 of its April 16 issue. In an accompanying news story was the following:

"Mr. Welch today confirmed news reports that he had relieved from duty his original second assistant, Frederick G. Fisher Jr. of his own Boston law office, because of admitted previous membership in the National Lawyers Guild."

But let us now bring to light the untold background of Mr. Fisher.

Before the Fisher outbreak, Welch had been employing a basic courtroom tactic: an attack carefully designed to make a witness lose composure. The object of such a technique is to make a witness expose himself emotionally and therefore be made to appear as the kind of individual who might be capable of committing a particular offense even though no actual evidence has been shown that he did, in fact, commit anything. If a man is charged with beating his wife in a fit of temper, a telling point could be made if the prosecutor can needle the defendant into erupting on the stand. Day after day, Joe Welch bore down on me, badgering and baiting, needing and taunting, demanding yes or no answers to questions that obviously could not be answered in one clipped word. The transcript is studded with passages like this:

WELCH: ... I just want a straight yes or no answer.

MURPHY: Give him a chance, Mr. Welch.

WELCH: I say, can't he answer it quite simply?

MURPHY: We will never find out unless you give him a chance to try. Mr. Welch sought to show that I did not bring certain information about subversives to the attention of Secretary of the Army Stevens as quickly as he thought I should.

WELCH: If you had gone over to the Pentagon and got inside the door and yelled to the first receptionist you saw, "We got some hot dope on some Communists in the Army," don't you think you would have landed at the top?

COHN: Sir, that is not the way I do things.

And later:

WELCH: I think it is really dramatic to see how these Communist hunters will sit on this document when they could have brought it to the attention of Bob Stevens in twenty minutes and they let months after months go by without going to the head and saying, "Sir, Stevens."

COHN: May I answer that last statement?

WELCH: I only said you didn't say, "Sir, Stevens," and you didn't, did you?

COHN: Mr. Welch, you said a few days ago that you wanted to be fair. If you do want to be fair, sir, you will let me correct what is an erroneous impression which you are trying to convey here.

WELCH: I am not trying to convey the impression that you actually said, "Sir, Stevens," you understand that, don't you?

COHN: I think I understand what you are trying to do, sir.

With these and other jibes, Mr.

Welch obviously intended to provoke me into losing my temper, thereby showing, in full view of the subcommittee and of course, the American people, that I was indeed an "irresponsible young ass" and a "hot-headed young crusader," and a "rude boy in a rush," to use some of the choice descriptions carried by some segments of the press. However, I had foreseen Mr. Welch's line of attack and remained as sharp as a razor.

Even my sharpest critics noted that I proved much of anything during the eight trying days I spent on the stand. Wrote Michael Straight in *Truth in Television*: "Roy Cohn had proved an excellent and persuasive witness." Mr. Welch himself was so deluged with letters and telegrams protesting the violence of his cross-examination that one day he acknowledged it before the committee. "Mr. Cohn," he said on the sixth day of my testimony, "my mail and my telegrams reflect, sir, that you are held in gratifying high esteem in this country. There apparently are a good many people who think that I was unfair to you yesterday."

It was clear that, by June 9, Welch desperately needed to pull a rabbit from his hat in order to alter the image now left with the committee and the millions who had watched the hearings all through the late spring and early summer. Neither Senator McCarthy nor I nor any members of our staff had been proved anything but dedicated though perhaps overzealous at times. I HAVE chosen to reproduce Michael Straight's analysis of the hearings to this point, because nobody could allege that this editor of *The New Republic* was favorably biased toward the Senator or me.

Mr. Welch had conceded that the Army could not hope for complete vindication," he wrote. "The public reaction that had risen against Senator McCarthy had reached its high point and begun to ebb. From now on, if he could control himself and appear as a moderate responsible leader, that might be the final image left on ten million television screens. It would have gone far to obscure earlier impressions of brutality. It might once more have opened the door of welcome to the White House and the Republican high command. With the patronage of a great party behind him, Senator McCarthy could rise to new heights following this trial. Without that patronage he might be left an outlaw."

Welch found the rabbit he needed in the form of the Fisher incident—one that, in truth, none of us wanted to bring up—not Mr. Welch, not I, and not Joe McCarthy, who had agreed not to make the matter public. Earlier in the hearings I had sided up Joe Welch as a horse trader. I mean no disrespect; this is an art as famously practiced in the legal profession, business, or politics as wherever horse deals are consummated. I felt strongly that Mr. Welch would not be averse to a fair swap somewhere along the line if opportunity arose.

Neither, in truth, would I. So, two days before the June 9 blowup, I made a private agreement with my Boston attorney that the name of his young son, an associate and his involvement with the National Lawyers Guild should not be introduced at the hearing. On June 7, the session adjourned at five-forty. Slowly the large hall began to clear. On the way out, I had to see with Mr. Welch. I had lagged behind to put my papers in order.

"There's a little matter I'd like to talk to you about sometime," Welch said. "I think you're the sort of person

person to whom I can talk off the record about it."

"Occasionally," I replied, "there is something I would like to talk about to you privately."

"Well, then," he said, "let us make 'business' now."

Down the hall, Welch opened the door of an empty committee room. We entered and shut the door.

"This whole thing is a shame," Welch said. "I have no love for a great many things on my side, but we're both lawyers and we have a job to do. Nevertheless, we don't have to hurt one another unnecessarily while we are doing it."

He paused, then resumed: "Do you want to go first, or shall I?"

I said I would begin.

Three days before, early on June 4, I said, he had started to question me about my draft status, pointing out that a number of news stories had appeared on the subject. I had told him from the stand that I would be willing to answer any questions he'd care to put. He replied, and I now refer to the transcript: "I understand that. But I hope I won't ask any. I hope before we go into this matter that you will consult your file or bring it to the stand with you, so you can read that off to me, what your whole story has been."

I said: "Whatever you want, Mr. Welch."

Now, in the empty committee room, I told him: "From the thrust of your questions, I can see where you are going. I assume you, however, that your bottom line is wrong. But in trying to get there, I think you would be hurting me unnecessarily. The facts have no bearing upon anything with which the hearings are concerned. I can produce them and they will satisfy you, but the very process of explanation

could create an impression that something might be there. Frankly, the matter would be personally embarrassing to me."

Thereupon told him the facts. Briefly, this was the story.

In my sophomore year at Columbia College, when I was eighteen years old, I had succeeded in obtaining an appointment to West Point. I had visited there many times with my parents, and loved the place. I was, of course, overjoyed. I was scheduled to take the entrance examinations on the first Tuesday of March in 1945. It was to be a three-day ordeal, and I prepared long and hard, studying far into the night.

I had to pass qualifying examinations in mathematics and English; had to pass a West Point aptitude test; to present an acceptable scholastic background; and, finally, I had to undergo a rigid medical examination and physical aptitude test.

The educational part of the testing was a breeze—I passed without difficulty. But, alas, I came a cropper on physical aptitude, which measured, among other things, muscular power and endurance.

I took the test again the following year. Meanwhile, I was placed, according to the law, on a deferred draft status. But in 1946, sad to say, I was again unable to get through the stiff West Point physical aptitude exam which called for, among other things: 16 push-ups; 25 squat jumps; 80 sit-ups; a 55-foot basketball throw; a 140-foot softball throw; a 200-yard run at 46.7 seconds; a 100-yard run in 27 seconds carrying a partner on my back! I was no weakling—but I wasn't up to that kind of performance.

Following the West Point rejection, I was classified 1-A, and shortly after-

ward drafting was stopped in the New York area. It was resumed in June of 1948, but by that time I had enlisted in the National Guard's 6888th Central Postal Directory Battalion as a private. In a few months, I was transferred to the 8888th Central Postal Directory Battalion and later to headquarters, New York National Guard, where on September 6, 1949, I was promoted to sergeant and two years later moved up to warrant officer. In February of 1952, I was commissioned a first lieutenant in the Judge Advocate General's corps.

I told Mr. Welch as I finished my story: "I know there have been imputations that I attempted to dodge the draft, but these stories have been planted in newspapers by persons who are attempting to stop my work. I have told you the truth as it was. The bottom line to which I think you are leading in your questioning is wrong."

Welch said: "I think you're quite correct that the 'bottom line' is wrong, but I'm under very heavy pressure from my client to try it anyway. But let me suggest a trade. I'll tell you my side pro quo."

Welch then told me about Fred Fisher and his membership in the National Lawyers Guild. Welch said he planned originally to have Fisher serve as his assistant at the hearing and had procured his name. He reminded me that this was known to us and had been only lightly mentioned in the press, but that if it became public on television it would have a twofold result. First, it would be given undue importance by many, and "we would all end up looking like Communist sympathizers." Second, the disclosure might be misunderstood by a number of the clients of Welch's Boston law firm.

The incident, in short, was something he would like left out. "If you

will omit any reference to the Fisher case," he told me, "I will not return to the topic you want me to stay away from."

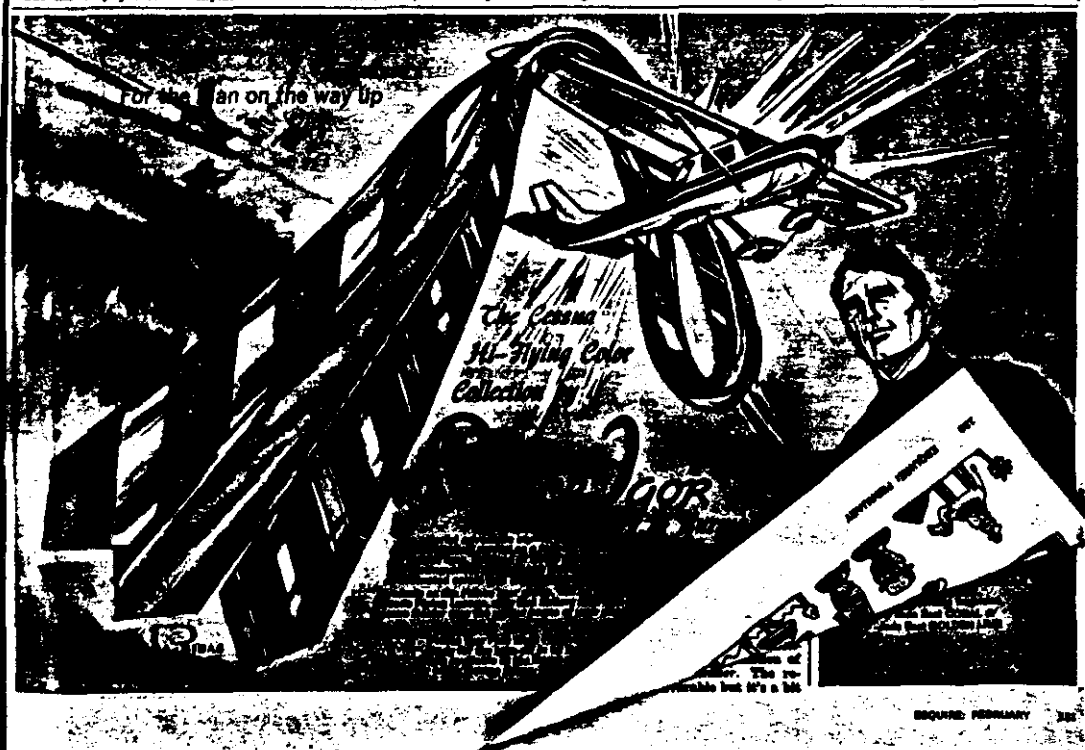
I replied that unless he jumped from me to the contrary by the next morning, the arrangement was satisfactory and he could consider it agreed. He replied that it was satisfactory so far as he was concerned, adding: "If any similar situations arise, let us meet privately and deal with them in this manner." We shook hands and Joe Welch left the room. I waited in the gloom of the chamber for about ten minutes, then left.

That evening, I went to Senator McCarthy's apartment and gave him a full account of my conversation with Welch and the agreement into which I had entered. McCarthy approved of the trade.

Why, after all that, did Senator McCarthy bring up the Fisher case?

The answer is starkly simple: He lost his temper and blurted out the story.

When he started to speak, I was horrified. Time magazine reported later: "Roy Cohn grimaced toward McCarthy, shook his head and his lips seemed to form the words 'No! No!'" Swiftly I scribbled a note and sent it over to him by page. It read: "This is the subject which I have committed to Welch. We would not go into it. Please respect our agreement as an agreement and because this is not going to do any good." Television and motion-picture films of the event clearly show the note being written, delivered and read. The Senator, in fact, paused during his speech to say, "I know Mr. Cohn would rather not have me go into this." Welch himself, incidentally, publicly acknowledged the agreement when he told the hearing the day before, "Mr.




On the phone, I read in a copy of *The Washington Daily News*, a *Scripto-Howard* newspaper generally hostile to our side, a column by the late Fred Othman: "You either like Roy Cohn or you don't. You can't ignore him."

"He strikes me as being one of the most intelligent young men I ever met, and maybe that's one of the troubles. Some of these who hate the twenty-seven-year-old chief counsel of the McCarthy investigating Committee, I'm afraid, are inclined to resent

and I was involved in public life and had received a barrage of abuse directed against Senator McCarthy. It was commenced in the State House, continued in the Arizona House, and then in the U.S. Senate and continued in all the forums by the anti-Soviet media. Beginning with the Senate hearing on January 11, 1950, the Senate took in the McCarthy case and it never could have been other than that.

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The next morning, the six shined Jim and Gloria lunch on the beautiful boardwalk. Princes and princesses, stunts and polo players were by, many of them needing in dressing. Claude Dauphin, the actor, and his neighbor of the Joneses in the car, were for the Gradually the girls were to get acquainted with the same old girls with the other players of the night before, old friend of Gloria's from New York, an American producer, a rich millionaire owner, somebody's mistress. Maurice Chevalier calls at the table to chat with Dauphin and to meet Jones. So does Simona Simon. And in politics, women, started to all. The next brings Jones a copy of a French book on the women, which contains a review of the translation of *Le Féminisme-Mahor*. The review is not unbecomable but it's a bit

SUBJECT Roy M. Cohn:
FILE NUMBER 62-97564
~~SECTION NUMBER~~ 101 Enclosure

52 pages

Best Copy Available

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

60 Cr. 55

- against -

ROY M. COHN, JOHN F. CURTIN,
JOHN A. KISER and BERNARD
WEICHER,

SUPPLEMENTAL
AFFIDAVIT

Defendants.

STATE OF NEW YORK)
COUNTY OF NEW YORK)

THOMAS A. BOLAN, being duly sworn, deposes and
says:

1. Since my affidavit of yesterday's date, there have
appeared two more newspaper stories very detrimental to Mr. Cohn.
One is a column of James A. Wechsler in the New York Post of
September 4, 1969, entitled "COHN & THE FBI" (Exhibit "A" hereto).
It deals entirely with the LIFE article and quotes some of its more
damaging portions:

"Needless to say," Lambert observed,
"the episode not only added luster to the Cohn legend
but thoroughly shook up some of Morgenthau's wit-
nesses. If Cohn through Nichols could bring about
the arbitrary transfer of three agents, what chance
had an ordinary citizen? Word leaked out of the
U. S. Attorney's office that Morgenthau was having
a hard time convincing prospective witnesses that
the Cohn prosecution was going ahead as scheduled
by the Court."

This column is ample proof that the poison concocted
by LIFE is continuing to spread and with deadly effect. The New York

Reheating Mr. Lambert's theme, Mr. Webster asks whether J. Edgar Hoover is guilty of attempting to obstruct justice in

U.S. SURE NOT GOING AND OTHERS TO COLLECT THE TAX
JUDGMENTS". It is a column of the Chicago Tribune which appears
in the New York Times on September 2, 1938.

2. Item, as the last date received, the identity directed at Mr. [redacted] [redacted]

Notary Public

ANN TURCHIANO
Notary Public, State of New York
No. 24-4035040
Qualified in Kings County
Commission Expires March 30, 12 70

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

88 Cr. 88

- against -

**NOTICE OF
MOTION**

**ROY M. COHN, JOHN F. CURTIN,
JOHN A. KISER and BERNARD
REICHER,**

Defendants.

S I R :

PLEASE TAKE NOTICE, that upon the indictment herein and the annexed affidavit of Thomas A. Bolan, sworn to the 3rd day of September, 1968, and upon all of the proceedings heretofore had herein the undersigned will move this Court before the Hon. Inner B. Wyatt, at the United States Courthouse, Foley Square, New York, New York, on the 5th day of September, 1968, at 10:00 a.m. in the forenoon thereof, or as soon thereafter as counsel can be heard, in Room 1105 at said Courthouse, for a dismissal of the indictment or a continuance of the trial for one year, and for such other and further relief as to the Court may seem just and proper.

Dated: New York, N.Y.

September 2, 1968. Yours, etc.

**MYRON J. GREENE, ESQ.
THOMAS A. BOLAN, ESQ.
Attorneys for Defendant
Roy M. Cohn.**

TO:

**Robert M. Morgenthau,
United States Attorney.**



Cohn & the FBI

JAMES A. WECHSLER

Are FBI director J. Edgar Hoover and others guilty of an attempt to obstruct justice in the pending case of the U. S. vs. Roy Cohn? Does Attorney General Mitchell care?

These and other questions dramatically emerge from William Lambert's report in the current issue of Life magazine on a series of strange happenings in the Cohn affair. The FBI's uncharacteristic silence in the face of the explosive Lambert document should heighten public and press curiosity. Conceivably some Senators and Congressmen will achieve sufficient audacity to pursue the subject.

Cohn will have his day in court on allegations including conspiracy, mail fraud, bribery, extortion and blackmail. As Lambert carefully notes, his disclosures have no bearing on the matter of Cohn's guilt or innocence on those charges. What is involved is the larger issue of whether the integrity of the judicial process has been challenged by influential men striving to protect Cohn and to undermine U. S. Attorney Robert Morgenthau, who is directing the prosecution.

Fragmentary news reports revealed some time ago that three FBI agents—including two bureau veterans—had been abruptly banished from the New York office and transferred to outposts in other cities. The official FBI explanation was that they were being rebuked for having submitted affidavits to Morgenthau without first transmitting copies to Hoover's office. Their sworn statements rebutted an affidavit from a convict, presented by Cohn in an effort to secure dismissal of the indictment, contending that Morgenthau's office had promised him a pardon if he would participate in a plot to entrap Cohn.

Technically the agents had violated a procedural rule, possibly because they were aware that Cohn was a favorite character in the FBI's top echelon. The swiftness and severity of the reprisal could only strengthen the suspicion that the FBI Washington headquarters had a special interest in Cohn's fate.

Lambert, who had begun a large-scale study of Cohn's varied activities many months earlier, proceeded to dig into the background of the FBI-Cohn relationship.

According to his report, he learned that last Oct. 8 Cohn and his law associate, Thomas Boland, staged a small luncheon at the Lotos Club. Among those present were Richard Nixon's chief fund-raiser, Maurice Stans, and Louis Nichols, former assistant director of the FBI, a longtime associate of Cohn (who had arranged Nichols' later affiliation with Schenley Industries) and an activist in the Nixon campaign.

Lambert asserts that Cohn bluntly asked Stans and Nichols what would be done about the two men he regarded as his chief tormentors—Morgenthau and SEC Chairman Manuel Cohen—if Nixon were elected. Nichols reportedly guaranteed that Morgenthau would be quickly exiled and Stans gave the assurance that the SEC head would be persuaded to resign. Thereupon Cohn and friends assertedly produced checks and pledges amounting to more than \$40,000 for the Nixon cause (Cohn did step down shortly after Nixon's advent and the pressure on Morgenthau to quit has been widely reported—and no doubt relates to many matters beyond Cohn).

Stans and Nichols told Lambert they had no recollection of giving such promises, but he insists that others present confirm them.

In any event, what is neither denied nor disclaimed is Lambert's report that, immediately after the three FBI affidavits had been filed with the court, Cohn gave them to Nichols "who charged into the Washington headquarters of the bureau demanding that the agents be censured." Lambert adds: "Nichols told Life that he thought the agents had acted improperly and that he felt the FBI headquarters 'ought to know about it.'"

The ensuing censures and 30-day transfer notices stirred an unusual storm within the bureau, and its echoes were audible outside. Morgenthau protested to John Malone, the FBI's New York head man; Hoover's response was to order the agents to get to their new posts—St. Louis, Louisville and Pittsburgh—in 36 hours rather than a month.

"Needless to say," Lambert observes, "the episode not only added fuel to the Cohn legend but thoroughly shook up some of Morgenthau's witnesses. If Cohn through Nichols could bring about the arbitrary transfer of three agents, what chance had an ordinary citizen? Word leaked out of the U. S. Attorney's office that Morgenthau was having a hard time convincing prospective witnesses that the Cohn prosecution was going ahead as scheduled by the court."

Morgenthau remains alive and well in his office at the U. S. Courthouse. Close associates say his reluctance to abandon his post is enhanced rather than diminished by such episodes, and Lambert's report would intensify the scandal surrounding any effort to evict him before he completes a wide range of unfinished business.

The Cohn saga will reach a climax, one way or another, in a courtroom; the pre-trial intrigue, it should be emphasized again, has no relevance to the validity of his legal defense. But it sharply underlines anew the ancient inquiry: Is J. Edgar Hoover a law unto himself?

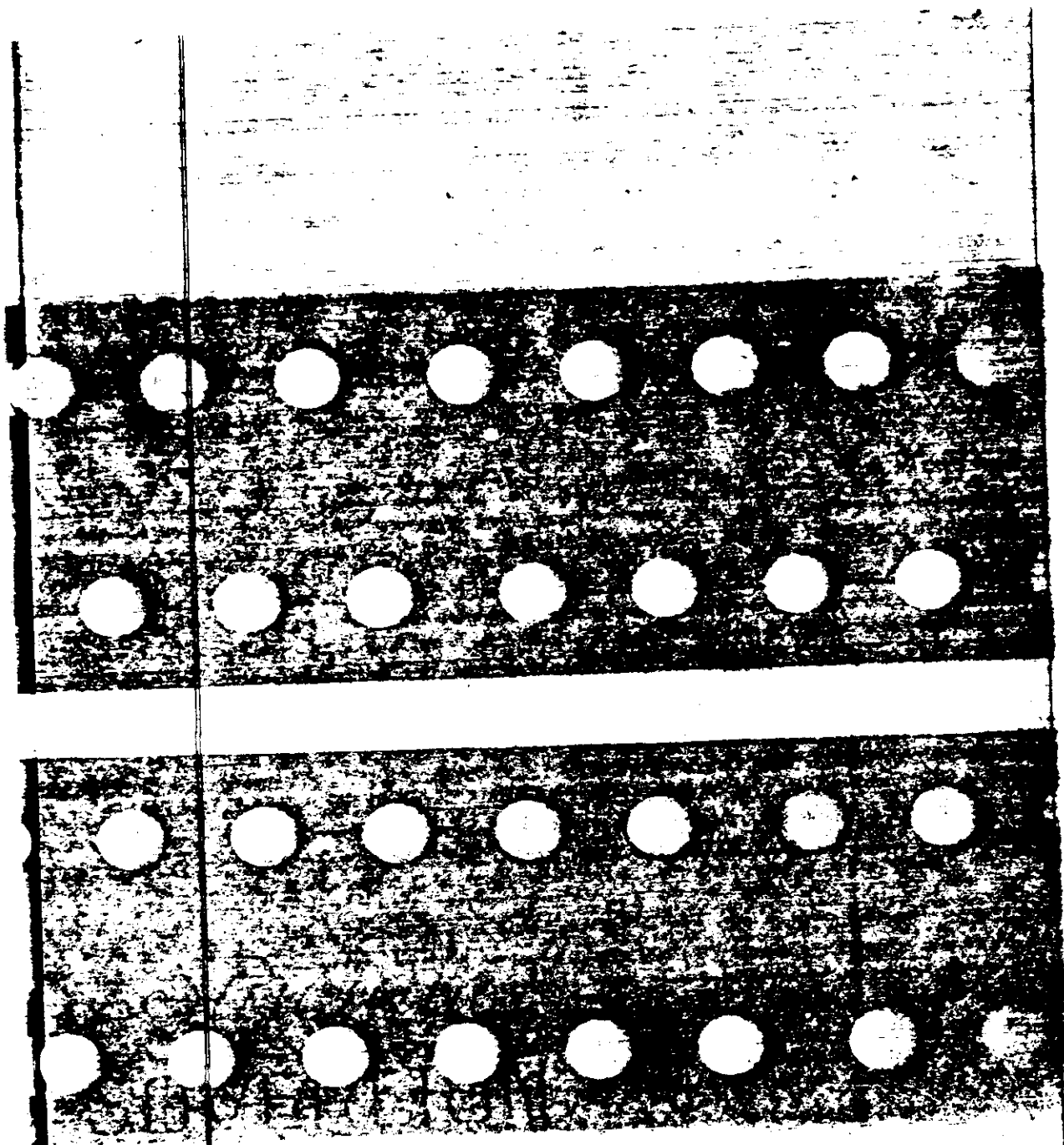


EXHIBIT "A"

U.S. Sues Roy Cohn And Others to Collect 1968 Tax Judgments

Civil Suit Concerns \$591,540 Due
From Earlier Actions Arising
From a Boxing Match in 1961

By a Wall Street Journal Staff Reporter
NEW YORK — The Federal Government filed suit against controversial lawyer-businessman Roy M. Cohn and two others, plus three corporations, in an attempt to collect \$591,540 in tax judgments stemming from a 1961 boxing match.

The other defendants are Thomas A. Bolan, a partner in Mr. Cohn's law firm; William D. Fugary, a former business associate of theirs; and three corporations—Feature Sports Inc., Championship Sports Inc., of Massachusetts, and Championship Sports Inc., of New York.

The boxing match was the March 1961 bout in which Floyd Patterson defeated his heavy-weight title by knocking out Ingemar Johansson. The match was promoted by Feature Sports, which was controlled by Messrs. Cohn, Bolan and Fugary. On Feb. 28, 1961, the Government filed suit in Federal court in Florida to collect income taxes owed by Mr. Johansson from funds held on his account by Feature Sports.

Feature Sports Named

The suit resulted in two judgments last year. One, on Nov. 24, was entered against Feature Sports in the amount of \$285,770, plus interest, for failure to account properly for the funds it held for Mr. Johansson. On Sept. 13, a judgment was entered against Mr. Cohn and Mr. Bolan in the amount of \$130,770, plus interest, for their failure to account properly for funds held under their control for Mr. Johansson.

In its current suit, the Government alleges that Messrs. Cohn, Bolan and Fugary "depleted the assets" of Feature Sports by payments to themselves and transferred its right, promises to five new corporations, among them Championship Sports of Massachusetts and Championship Sports of New York.

This, the Government contends, deprived Feature Sports of all corporate opportunity and ability to pay its debts and "was thus a fraud" on its creditors, including the Government.

The two judgments haven't been paid. The Government's complaint stated that the three men own the stock of Championship Sports of Massachusetts and that that company owns the stock of Championship Sports of New York and the three other corporations mentioned.

The Government also alleged that unless the defendants were restrained, "there is a substantial possibility" that assets of the Massachusetts and New York corporations would be transferred to third parties "to defeat" the collection of the judgments. The three men and three corporations named as defendants are all liable to the Government for Feature Sports' debt of \$591,540, the Government claims.

Statement of Complaint

In its civil suit, filed in Federal District Court here last Friday, the Government asked that the six defendants be enjoined from doing anything to defeat the collection of the judgments, or assets of the two Championship Sports corporations. It also asked that it be entitled to collect the \$130,770 debt from Mr. Cohn and Mr. Bolan by foreclosure of its lien on their stock in Championship Sports of Massachusetts and a sale of that stock.

Mr. Cohn currently is scheduled to go to trial in Federal court here Sept. 23 on charges of racketeering and extortion contained in an indictment returned last January by a Federal grand jury. The charges, to which he pleaded not guilty, are related to condemnation proceedings several years ago for Fifth Avenue Coach Lines Inc. and aren't connected with the tax-suit matter. A date hasn't been set for trial of another indictment against Mr. Cohn, also based on his activities while an attorney or official of Fifth Avenue Coach.

Both sides have been cautioned by the court not to discuss Mr. Cohn's case with newsmen, and this apparently is why the new civil suit against Mr. Cohn didn't come to light until this week.

In the civil suit, U.S. Attorney Robert M. Morgenthau states the complaint was brought "at the request and upon the sanction and recommendation of the Commissioner of Internal Revenue . . . and . . . at the direction of the Attorney General . . ."

Mr. Cohn declined to comment on the Government suit because of the court's order. Mr. Cohn said the prohibition would apply also to Mr. Bolan in his capacity as one of his attorneys.

Mr. Cohn said, "Although we seem to be the only side observing the order, we shall continue to do so, and will have no comment on this or any other move by Mr. Morgenthau."

Mr. Fugary denied yesterday that he ever was a stockholder of the Championship Sports concerns and asserted that the Florida court previously had found that he wasn't personally liable for the Feature Sports judgments. Mr. Fugary contended that he was named a defendant in the current civil suit only for the "technical" reason that he had been president of Feature Sports. He also said he has brought suit against Mr. Cohn and Mr. Bolan for taking assets out of Feature Sports.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
-----x

UNITED STATES OF AMERICA

69 Cr. 55

- against -

ROY M. COHN, JOHN F. CURTIN,
JOHN A. KISER, BERNARD
REICHER,

AFFIDAVIT

Defendants.

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STATE OF NEW YORK)
 :
COUNTY OF NEW YORK)

THOMAS A. BOLAN, being duly sworn, deposes and
says:

1. I am co-counsel for the defendant Roy M. Cohn and am
fully familiar with all of the matters set forth herein. This affidavit is
submitted in support of Mr. Cohn's application for dismissal of the instant
indictment or, in the alternative, for a continuance of the trial for one
year.

2. Deliberately, on the eve of the trial, LIFE Magazine,
pursuant to a long-established pattern of hostility against him, has pub-
lished a viciously defamatory and sensationalized attack on Mr. Cohn.
The article is entitled, "THE HOTSHOT ONE-MAN ROY COHN LOBBY"
and appears in the September 5, 1969, issue of the magazine. A copy of
the same is attached hereto as Exhibit "A". The effect of the article is so
overwhelmingly devastating that it is not possible for Mr. Cohn to receive
a fair trial at the present time.

3-A. As pointed out hereinafter, the prejudicial publicity engendered by the LIFE article entitles Mr. Cohn to a continuance regardless of any participation therein by Mr. Morgenthau. However, I am reliably informed and firmly believe that since the Court's order of June 18, 1969, the prosecutor Mr. Morgenthau and his office collaborated in the preparation of the LIFE article. My information is to the effect that they were consulted in advance of publication and distribution with reference to it and that Mr. Morgenthau suggested and caused certain revisions and alterations in connection therewith. Therefore, this Court is requested to direct a hearing to determine the extent of the involvement and participation of Mr. Morgenthau and his office in this pre-trial publicity, or, in the alternative, that the Court request Mr. Morgenthau to himself submit a detailed affidavit specifically stating his knowledge of, participation in, and suggestions concerning this article.

3. Prior to its publication, the Hon. Inzor B. Wyatt by letter dated August 26, 1969, notified LIFE Magazine that the publication of any article about Mr. Cohn would create a "serious problem." The Court pointed out that any such article before the trial might affect the ability of the Court to select the fairest jury possible. The Court stated that the public interest would be served by securing the fairest trial possible. Stressing the urgency and importance of the matter, the Court requested LIFE to defer publication of any article until after Mr. Cohn's trial. Shortly afterwards, Mr. Ralph Graves of LIFE wrote to the Court, rejecting its request. Thereafter, the Court advised the parties that it had considered this matter so serious that it had initially decided to issue an injunction against its publication, but that on reflection concluded that this would blow up the controversy even more into a Zenger-type situation. Now the article has in fact been published. It contains false and damaging statements about Mr. Cohn - having a direct bearing on this trial - such as the implication that he caused FBI agents to be transferred out of the jurisdiction so they could not testify against him at the trial; that he caused other witnesses to panic; and that he resorted to the Fifth Amendment before the grand jury. With the Court having warned in advance against publication of the article, having determined that its publication would be so harmful that an injunction would be warranted, and with the area from which the jury is to be picked having been saturated with publicity concerning the article, it is respectfully submitted that fairness now occasions the Court to protect

the rights of the defendants by dismissal, or at least delay, to permit the effects of this poisonous article to wear off. Such delay prejudices nobody - the indictment is less than eight months old - one of the newer ones on the docket - and it is based on events five to seven years old.

3-A. As to the FBI agents, it is categorically denied that any administrative action concerning violation of their agency's rules or for reasons unrelated to this were suggested by Mr. Cohn or could in any way be desired by him or helpful to him. The only issue on which they submitted affidavits was ruled irrelevant by this Court. The idea that a transfer makes these agents unavailable is nonsense. Indeed, should the Court at any time determine their testimony admissible, it is hereby represented that if Mr. Morgenthau does not subpoena these agents, Mr. Cohn shall subpoena them.

4. In brazen defiance of the Court's plea for fair-play, LIFE prepared a four-page pre-publication press release in order to insure that the article would receive maximum publicity. (A copy of said press release is attached hereto as Exhibit "B".) Among other things, the press release pinpoints that part of the article which charges that action instigated by Mr. Cohn "had thoroughly shaken prospective witnesses against the 42-year-old financier - in his impending trial on charges of conspiracy, mail fraud, bribery, extortion and blackmail"

5. The local radio, TV and newspaper offices were flooded with copies of this release. To lend credence to the accusations against Mr. Cohn, the author of the LIFE article is described as a "Pulitzer-prize-winning reporter" who exposed financial arrangements between Supreme Court Justice Abe Fortas and convicted financial manipulator Louis Wolfson. As a result of the pre-publication publicity generated by LIFE, the article was given tremendous coverage in all of the communications media. For example, attached hereto is copy of clipping from the New York Times (Exhibit "C"). Additional documentation of this coverage is being accumulated.

The article is sensational in nature as it involves Mr. Cohn with J. Edgar Hoover, one of the most important and well-known public figures in the Nation. It is certain that the controversy engendered by this article will persist for many months.

6. On information and belief, LIFE magazine has a total circulation of approximately 8,000,000 and approximately 2,000,000 in the Southern District of New York. In addition to its paid circulation, it goes without saying that the magazine is found in such places as barber shops, doctors' offices, airplanes, etc., where it remains for weeks after its publication.

7. A perusal of the article quickly reveals its annihilating impact. Mr. Cohn is pictured as an evil genius, a Machiavelli who cultivates the friendship of people in high places and then uses them to conceal his misdeeds. Anyone reading this article who is not insulated against the author's bias and long-standing partnership with the Morgenthau group, and believes its allegations, cannot help but be prejudiced against Mr. Cohn.

8. Worst of all, however, the article deals directly with the forthcoming trial. Under a full-page headline entitled, "NOW JOE McCARTHY'S BOY IS A 'FIFTH AMENDMENT' CAPITALIST" (p. 30), the article states as follows:

"So far Cohn's many attempts to block investigation, prevent indictment and delay trial have ultimately failed. The Nixon administration has shown no interest in interfering with Morgenthau's case against the 42-year-old bachelor lawyer-financier, and it seems probable that his fate will soon be in the hands of a jury, beyond the reach of the cleverest lobbying. But Cohn's resources are unpredictable. Years ago during the Army-McCarthy hearings, he sneered at the constitutional protection against self-incrimination by calling Major Irving Peress a 'Fifth Amendment Communist.' Yet he himself leaned on the same privilege repeatedly before a federal grand jury - and advised several of his friends called in the same investigation to do likewise."

9. If the prosecution were to comment at the trial that Mr. Cohn had taken the Fifth Amendment privilege before the Grand Jury, it would undoubtedly result in a mistrial. Yet, here we have LIFE magazine informing potential jurors a few weeks before the trial that Mr. Cohn has repeatedly taken the Fifth Amendment in the Grand Jury. It is difficult to imagine a more prejudicial and inflammatory statement.

10. Mr. Cohn has freely and voluntarily testified before numerous courts and governmental agencies. He has never claimed the Fifth Amendment privilege or any other privilege. The reasons for his refusal to submit to further grilling by Mr. Morgenthau's office are set forth by the attached statement which was read by him to the Grand Jury on January 4, 1968 (Exhibit "D"). It is to be noted that no reference was made by Mr. Cohn to the Fifth Amendment.

11. With further reference to the trial, the article states (p. 30):

"..... This time the men [3 FBI agents] were being moved for doing what in essence they were paid to do - helping a U. S. Attorney protect his case.

"Needless to say, the episode not only added luster to the Cohn legend but thoroughly shook up some of Morgenthau's witnesses. If Cohn through Nichols could bring about the arbitrary transfer of three FBI agents, what chance had an ordinary citizen?"

12. Thus, LIFE says Mr. Cohn caused three FBI agents to be punished because they were helping Mr. Morgenthau protect his case against Mr. Cohn. Mr. Cohn is supposed to be intimidating and putting fear into government witnesses. "What chance had an ordinary citizen?" the article asks. Mr. Cohn is said to have "thoroughly shook up some of Morgenthau's witnesses." In other words, Mr. Cohn is charged with interfering with and hampering the government's case against him. The damage of such allegations on prospective jurors is incalculable.

13. Under well-established law it is irrelevant whether or not the prosecution initiated or participated in the preparation of prejudicial publicity. Thus, it would be of no consequence that the United States Attorney did not have a hand in the LIFE article. In passing, however, it should be noted that a number of statements in the article appear to have originated with Mr. Morgenthau. For example:

"Morgenthau's case against Cohn was developed almost exclusively by two of his assistant United States attorneys Paul Perito and John Allee, using the Grand Jury as an investigative arm."

Who but the United States Attorney would know how the case was developed?

"Morgenthau was furious. He confronted Assistant FBI Director John F. Malone, the top man in the New York field office, and Malone promptly reported the confrontation to Washington."

It is unlikely that Mr. Malone, top New York man of the FBI, made any of these allegations.

"Needless to say, the episode not only added luster to the Cohn legend but thoroughly shook up some of Morgenthau's witnesses."

"Word leaked out of the U. S. Attorney's office that Morgenthau was having a hard time convincing prospective witnesses that the Cohn prosecution was going ahead as scheduled by the court."

"Yet he [Cohn] himself leaned on the same privilege [Fifth Amendment] repeatedly before a grand jury."

How does LIFE magazine know who Morgenthau's witnesses are and what their current state of mind is?

Here, at least, is an admission of a direct pipeline from Morgenthau's office.

Such an allegation did not stem from Mr. Cohn. It should be pointed out that Mr. James Wechsler of the New York Post, one of Morgenthau's consistent pipelines, speculated in print over one year ago that Mr. Cohn had taken the Fifth Amendment.

14. Indeed, if Mr. William Lambert, the author of the LIFE article, has followed his usual pattern, there can be no doubt but that the great bulk of allegations in the article originated directly or indirectly from Mr. Morgenthau. Mr. Lambert has specialized in trying to convict Mr. Cohn by extra-judiciary pre-trial publicity. His practice is to work with the Justice Department and with potential witnesses against Mr. Cohn in order to produce managed pre-trial publicity. He did this in September 1963 after Mr. Morgenthau's first indictment of Mr. Cohn and he has done it again in the instant case -- this time in direct defiance of a request by the Court.

15. In 1964, the files of LIFE magazine dealing with Mr. Cohn were inspected by deponent. Those files conclusively demonstrated that the authors of the September 1963 LIFE article (one of whom was Mr. Lambert) conferred in the preparation of that article with several officials of the

United States Attorney's office, and to the Attorney General of the United States, the Chief of the Criminal Division of the Department of Justice and with the then Attorney General himself. These files also revealed that Mr. Lambert worked with the attorneys for key witnesses used by Mr. Morgenthau against Mr. Cohn. Submitted herewith is a copy of a memorandum written by Mr. Lambert attaching revisions of a proposed LIFE article attacking Mr. Cohn made by the attorney for two of the main witnesses against Mr. Cohn, revisions which were made in the handwriting of said attorney (Exhibit "E"). The LIFE article in question has been described by liberal author Thomas B. Morgan as "a particularly yellow attempt by LIFE to convict him [Cohn] in the court of public opinion." ("Self-Creations: 13 Impersonalities," Holt Rinehart and Winston, 1965, p. 57). A similar attempt is now being made in the present case.

16. LIFE itself has specialized in pre-trial publicity in collaboration with the former administration of the Justice Department. In one case LIFE was directly supplied with an informant against a defendant to help with a pre-trial article about him (Exhibit "F"). In fact, the same Mr. Graves of LIFE who rejected the present Court's request to defer publication of the LIFE article until after trial, was "approved" by the former administration in the Justice Department as a participant in planning the pre-trial article (Exhibit "G").

17. Subsequent to this Court's direction of June 18, 1969, that no statements be made by either side concerning the issues of this case, Mr. Cohn has received many invitations to speak from colleges,

law-schools, legal organizations, and national and local TV and radio stations. In keeping with the Court's order, he has refused all such invitations. His only speech was one made in Denver before the American Trial Lawyers Association and dealt with the trial of matrimonial actions, and having nothing to do with the present case. Mr. Morgenthau has not been as diligent in following the Court's order.

18. In the June 30, 1969, issue of New York Magazine, there is an article entitled, "NIXON VS. THE CITY'S TOP CRIME FIGHTER," which deals with Mr. Morgenthau and his attempts to remain in office. (Exhibit "H"). That article quotes Mr. Morgenthau as saying, "I have too many important cases pending to leave now." It continues as follows:

"Among these cases - which he fears might not be followed through vigorously - are such sensitive ones as those involving wheeler-dealer Roy Cohn....."

19. The extent to which Mr. Morgenthau cooperated in the publication of this article may be gauged by a table incorporated in it. That table lists the names of a number of defendants prosecuted by him, the date of their indictment or conviction, the offense and sentence or status. It is crystal clear that this table originated with Mr. Morgenthau.

20. Another illustration of damaging pre-trial publicity issued since the Court's order of June 18th, took place on August 28, 1969, the day after a meeting in the Court's Chambers. At this meeting the Court again expressed concern about prejudicial pre-trial publicity. On August 28th, Mr. Morgenthau signed and released an indictment against one Frederic Brooks - a friend of Mr. Cohn who was to be a witness

for him at the forthcoming trial. The indictment against Mr. Brooks charges him with having caused an allegedly illegal payment to a "certain person" for stock in a company that had been affiliated with Fifth Avenue Coach Lines, Inc. Although being careful not to name Mr. Cohn as that "certain person" in the indictment, Mr. Morgenthau identified him so unmistakably that the widely read Wall Street Journal had no difficulty in coming out with a lengthy report on the indictment the next morning (August 29th), and naming Mr. Cohn outright as the "certain person" (Exhibit "I"). If Mr. Morgenthau was obeying this Court's direction rather than subverting it, he could have withheld this indictment until after the instant case - the alleged event on which it is based is little more than a year old, so that years remain before any statute of limitations problem could arise. Or Mr. Morgenthau could have moved the indictment be sealed until after this trial. Or he could have disclosed this forthcoming event to the Court and counsel when all were together at the Court's Chambers the very day before the indictment was filed -- and thus given the Court the opportunity to assess this additional element of directly-caused prejudice to this case, and agree on how to avoid it. But, of course, this was not Mr. Morgenthau's wish. So despite the Court's concern over events up to August 27th, on August 28th Mr. Morgenthau took an act which has resulted in Mr. Cohn being accused of complicity in another offense in a widely-read publication in this area.

21. Prejudicial publicity against Mr. Cohn precipitated by Mr. Morgenthau continues down to the present moment. Today's issue of the New York Times (September 3, 1969) contains an article headlined, "U. S. FILES TO COLLECT \$385,769 FROM COHN AND TWO ASSOCIATES" (Exhibit "J"). This story is based on a civil complaint reportedly filed

by Mr. Morgenthau in Federal Court yesterday. Defendant has firsthand knowledge of the facts in this matter. The complaint is utterly frivolous in nature. The information on which it is based has been known to the Government for over seven years.

At a conference in the Court's Chambers on September 2, 1969, Mr. Allee of the U.S. Attorney's office, represented to the Court that "There has been no press release" concerning this matter. The Court replied, "All right. I am glad to have that assurance." (p. 30). There may not have been a press release, but there certainly was direct communication with the press. It appears that an extensive interview was granted. The Times article contains the following statements:

"Assistant United States Attorney Richard M. Hall said the purpose of the suit was to transfer the corporate liability to Mr. Cohn and his two associates.

"Mr. Hall said the action had been authorized by the Commissioner of Internal Revenue and 'at the direction of the Attorney General of the United States.'

"Asked why the Government chose this time to file the liability suit, Mr. Hall explained that the Government had information that a transfer of \$35,000 in corporate assets was about to take place and could only be stopped by court order.

"Because of 'heavy debts,' the Government said, Mr. Cohn and his associates transferred the business of Feature Sports to five newly formed corporations, including Championship Sports, Inc. of Massachusetts and of New York.

"Mr. Hall said the only assets remaining was \$35,000 held by Championship Sports of Massachusetts and New York."

The implication of these remarks is that there would be something improper about a transfer of the assets. First of all, there would be nothing improper about transferring funds, and secondly, it is

absolutely impossible that the Government, as alleged by Mr. Morgenthau's representative, has any information about a transfer of the funds.

The fact is that the fund of \$35,000 represents a settlement made over six months ago by Mr. Morgenthau's office of a lawsuit brought against the Government by a corporation in which Mr. Cohn has an interest. The \$35,000 was placed in escrow for six months as of February 28, 1969, in order to enable the Government to ascertain if it wished to make a claim against the fund. Mr. Morgenthau then waited until the last day of the six months and a few weeks before Mr. Cohn's trial is scheduled to file this baseless complaint, while misrepresenting the facts so as to put Mr. Cohn in an unfavorable light.

It is submitted that the Court's order of June 18th is being circumvented by Mr. Morgenthau by these tactics. Simply to abstain from issuing press releases is not adequate protection for Mr. Cohn. The filing of an indictment in one instance and a civil complaint in another, both of which necessarily were productive of bad publicity for Mr. Cohn, is violative of the spirit of the Court's order of June 18, 1969.

22. The LIFE article is replete with falsehoods. For the purposes of this motion, it is unnecessary to present a detailed refutation of them. It should be pointed out, however, that the article is calculated to influence prospective jurors into believing that any failure of proof by Mr. Morgenthau at the trial is the result of Mr. Cohn's retaliation against key witnesses. As previously pointed out, the allegation that Mr. Cohn

has taken action against prospective witnesses are totally untrue. The Three FBI agents named in the article are of no significance whatsoever and the entire area of their statements was ruled irrelevant and inadmissible by this Court. Mr. Cohn is in favor of having these FBI agents testify at any time and at any place with the right to cross-examine them. Mr. Cohn has authorized deponent to state unequivocally that he in no way ever suggested, had any part in, or any interest in the transfer of these agents and knows nothing about it.

23. Another damaging falsehood in the LIFE article is the account of a campaign luncheon attended by Mr. Maurice Stans and Mr. Louis B. Nichols. Mr. Cohn was at that luncheon, and he has checked with every outside group present there (with one notable exception discussed hereafter). We are in firm agreement that no such statements as attributed to either Mr. Stans or Mr. Nichols were ever made in form or substance on that date or on any other occasion. The LIFE account is false - and came from only one source - a person named Lawrence Weisman, who is Mr. Morgenthau's key witness in this case against Mr. Cohn, following a deal negotiated by William Bittman, Mr. Weisman's attorney, and an associate of Weisman's who he brought to the luncheon.

24. As a result of the LIFE article and other publicity, the present atmosphere among prospective jurors is exceedingly hostile to Mr. Cohn. It would be most unfair to require him to stand trial at the present time. There can be no prejudice by granting the delay requested. The indictment is less than eight months old and relates to events which took place over five years ago.

As the Court pointed out in its letter to LIFE, "a serious problem" has been created by the article. That serious problem is not resolved by taking no action to correct the injustice done Mr. Cohn. Indeed the Court contemplated filing an injunction to prevent the publication of the LIFE article. It decided against an injunction in the belief that it would create another Zenger-freepress-type controversy which would dwarf the issues of the present case. Having not issued an injunction, and the article with its poisonous publicity now being in circulation, following an advance bally-hoo by LIFE to assure maximum publicity, it is submitted that the Court should take whatever measures are available to it to insure Mr. Cohn the fullest opportunity for a fair trial.

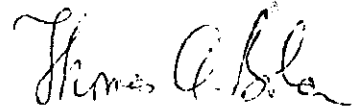
As Chief Judge J. Edward Lumbard of the United States Court of Appeals for the Second Circuit has stated, "a defendant is not protected against prejudice by publicity. The remedies we use are partial and perhaps ineffective. The Court may postpone the trial until the clamor has died down" Lumbard, The Administration of Criminal Justice: Some Problems and Their Resolution, 49 A.B.A.J., 840, 844.

While the remedy of a postponement may be "partial and perhaps ineffective," it is submitted that under the circumstances of this case that is the very least to which Mr. Cohn is entitled.

Sworn to before me
September 3, 1969.


Notary Public

ANN TURCHIANO
Notary Public, State of New York
No. 24-1035640
Qualified in Kings County
Commission Expires March 30, 1970





His friends and influence can take care of almost anything—except perhaps a

The Hotshot One-Man Ro

Last Oct. 8, as the polls showed Richard Nixon running substantially ahead in the campaign for the Presidency, Roy Cohn moved to lend a hand. With his law associate, Thomas Bolan, he convened a luncheon meeting of perhaps a dozen wealthy New Yorkers at the quietly genteel Lotos Club in Manhattan's East 60s. Prominent among those present were two leading Nixon campaigners: chief fund-raiser Maurice Stans, who would become Nixon's Secretary of Commerce, and Louis Nichols, a former assistant director of the FBI and, until late last year, executive vice president of Schenley Industries.

Cohn, a registered Democrat, was blunt about his interest in the campaign. He had been having a lot of legal troubles and court actions. What, he asked the visitors, would a Nixon administration do about his two chief tormentors, Chairman Manuel Cohen of the Securities and Exchange Commission, and Robert Morgenthau, U.S. Attorney for the southern district of New York? Both Nichols and Stans disclaim any recollection of the discussion, but others present recall that their re-

sponse was forthright: Nichols guaranteed that Morgenthau would be replaced, and Stans gave assurance that a way could be found to force Cohen to resign. The luncheon group dispersed after signing checks and pledges to the Nixon-Agnew campaign totaling more than \$40,000. Seven months ago, Hamer H. Budge replaced Cohen as head of the SEC. Morgenthau is still U.S. Attorney in New York City, but rumors of his imminent replacement have recurrently appeared in the press.

It is known that Nixon had expressed dissatisfaction with Cohen long before his election and Morgenthau, in spite of a distinguished record as a prosecutor, is a Democrat and can hardly be classed as a Nixon man. Thus Cohn can hardly claim to have engineered anything with a campaign contribution. (His share of the kitty, \$9,000, was paid by three bad checks on an account in a bank he controlled in Illinois; only after a number of urgent exchanges between Cohn's partner Bolan and bank officials was the check honored; after enough funds had been telegraphed to cover it.) But extent of influence aside, at this

point in his remarkable career, nothing can be more to Roy Cohn's wishes than a mistrial of Morgenthau. In a few weeks is scheduled to come to trial on charges of piracy, mail fraud, bribery, extortion, blackmail. The case was developed by Morgenthau's office. Thanks mainly to Cohn's noisy insistence that the attorney keep him, the trial—whose issues will be weighed here—shines up as the critical juncture of a long-run grudge match.

The battle between the two men goes almost to the start of Morgenthau's fifth year as U.S. Attorney in 1961, when an indictment of swindler Alexander Guterman had to turn up Cohn. Guterman went to prison; ultimately Cohn himself was indicted for obstructing justice. His first trial, in 1964, was a mistrial; his second, in acquittal.

It was then that Cohn raised the cry of "sleaze," he has been repeating ever since. He tells it, he had, during his McCarthy Committee days, "exposed" the involvement of



Cohn Lobby by WILLIAM LAMBERT

genthau's father, Secretary of the Treasury Henry Morgenthau, in the decision to let the Soviet Union use the U.S. occupation currency printing plates at the end of World War II. (Robert Morgenthau's unprintable reply to that charge, freely translated, "Poppycock.")

There is no question that Morgenthau's pursuit of Cohn has been uncommonly tenacious—comparisons have been drawn to Robert Kennedy's stalking of Teamster Boss Jimmy Hoffa. But the U.S. Attorney's supporters—and these include some of the country's best law enforcement people—insist that a Morgenthau investigation of suspected wrongdoings is always uncommonly tenacious. None of these supporters, however, would go so far as to claim that Morgenthau lacks personal feelings about Cohn. Legally and ethically enjoined from trying his case in the press, Morgenthau has been quoted only as saying about Cohn that "a man is not immune from prosecution merely because a U.S. Attorney happens not to like him."

Last June 3, in denying one of Cohn's numerous attempts to get the indictments against

him thrown out, U.S. District Judge Inzel Wyatt held "the motives and the feelings of the United States Attorney are of no moment. . . . Assuming . . . that Mr. Morgenthau harbors a 'personal animosity' toward Mr. Cohn and also has a 'dislike' for him, this cannot in any way affect the propriety or validity of an indictment returned by a grand jury."

Cohn recognizes no such inhibitions as those binding Morgenthau. He has publicized the vendetta theme wherever he has found a forum. He has appeared as a guest on radio talk shows, lectured at law and journalism schools and held press conferences, generally on the subject of his "persecution" by Morgenthau.

Roy Marcus Cohn has had a busy time in the 15 years since he and his wealthy young sidekick, G. David Schine, helped polarize the nation's views on domestic Communism with their far-flung and flamboyant investigations in Senator Joe McCarthy's behalf. When the show ended, Cohn, the son of a well-respected New York judge, moved back to New York

entered private law practice and became head of his own firm and a corporate lawyer of the first order. He took chief Corporation, lost it, gained a Fifth Avenue Coach Company and became involved with a succession of financial and business ventures. In the process he has built a trail of stained, embittered cases financially battered and friendless. In the past year substantial sections of his structure have begun to buckle fast. He has lost lawsuits, had a pile-up of more than \$1 million in judgments against him. In large part, these have left him virtually untouched, for virtually all—including his elegant Manhattan house, his telephone-equipped limousine, his "RMC" license plates and his 99 Defiance—are leased or held in separations headed by his nominees. A great deal has been written about Roy Cohn as the consummate political operator. Whatever his qualities, there is no doubt that he

Dirksen helped choose his bank directors

...ist, a lobbyist who manipulates considerable success in press, politics and the other power centers, a lobbyist with a single client: Roy Cohn.

...of the years since he first tasted glory in the McCarthy Committee, Cohn has carefully cultivated important friends, entertains them, praises them, effluents up organizations and foundations, bestows awards and campaign contributions. By no means all are conservative, but many are. Some are liberals, identified in many instances with New York's organization Democrats. His friends include Senators Everett of Illinois, Thomas Dodd of Connecticut, Eastland of Mississippi and Edouard of Missouri (L.N.T., May 26 and 27, 1967), who was defeated in the 1968 Democratic primary. On the House side of the Hill, Cohn has had a warm relationship with many influential congressmen, including the venerable Emanuel Celler of New York, chairman of the House Judiciary Committee, and the wide-ranging and busy J. Edgar Gallagher of New Jersey (L.N.T., Dec. 25, 1968). After Cohn's 1964 election, he was heard to exult at a Stork Club party. "Cardinal Spellman sent me congratulations from Hyannis Port, Mass., while he was on vacation. Senator Dirksen came from San Francisco and Senator Eastland from Mississippi. And what my friends are saying. What more can a man want?" Both liberal Congressman Celler and conservative Senator Eastland went to see General Ramsey Clark in Cohn's bearing Morgenthau's investigations into the now pending before the court. Clark of their pleas.

...model modern lobbyist, Cohn has made many friends in the press, too. One is the conservative columnist William Buckley Jr. In a column last December, he suggested that Morgenthau, in his attack on Cohn, suffered from a "devil fix." He referred to Cohn's indictment the month on a charge of attempting to bribe a public official as "merely one more of the by a punchdrunk official [Morgenthau] members that he is supposed to keep going for as long as he can stand up to some here along the way in the misty maze to identify the defense of the law the prosecution of Roy Cohn." Without singling Cohn as the source, Buckley related a fact several of a list of allegations against Cohn concerning Morgenthau.

...and Cohn, although not known to be close, have been friendly allies since McCarthy days in the persistent battle of the wing against the Red Menace. In the American Jewish League Against Communism (Roy M. Cohn, president and member) gave its "George Sokolsky Memorial Award" to three men. Buckley was one. The others were Dirksen and Lewis Rosenstiel, then head of Schenley Industries and another pervasive figure in Roy Cohn's affairs.

...The Cohn-Buckley relationship has other aspects. Beginning in 1966, Cohn and some of his associates took control of four Chicago banks, in some cases using funds from one bank to buy the next. One was state-chartered Guaranty Bank & Trust Co. The others, Gateway National, University National and Mercantile National, were federally chartered. Cohn immediately began to use his control position to finance his corporate activities and help his friends, among them Columnist Buckley.

...Without bothering to inform his partners, Cohn in September 1967 ordered the president of Gateway National to grant a loan to enable Buckley, a man of substantial wealth, to purchase a boat. The bank official objected, pointing out that standard banking practice prohibited making such loans outside their service area. Cohn was furious, and the banker's obduracy ultimately cost him his job.

...That was at the time," recalled another of Cohn's associates, "when the bank examiners were raising hell with Roy for making loans outside the 100-mile radius of the bank. Why, he even lent one of his friends \$69,000 to buy a house in Connecticut."

...Ultimately, L.N.T. has learned, Cohn prevailed on his hand-picked president of Guaranty Bank & Trust, Norman A. Simon, to arrange for a \$65,000 loan on a 60-foot sloop, which Buckley subsequently purchased and named *Cyrano*. To get around the bank examiners' objections to Asian financing, Buckley,

...with Cohn's guidance, set up an Illinois corporation, Caribbean Enterprises Inc., to hold title to *Cyrano*. The loan then went to the Illinois corporation, although *Cyrano* was registered at Miami, Fla.

...Just how good a deal Buckley got is open to question. The installment note finally signed by Buckley, and secured by a mortgage on the boat, was for \$83,200, and he received only \$65,000. The transaction provided for a 28% discount—i.e., interest in advance based on the original amount of the loan, over a four-year period. Buckley has kept his payments current and the debt has been reduced to \$66,560. Indeed, the proceeds have proved so fat and regular that even the bank examiners have not objected—other than in principle.

...Other writers and journalists have publicly supported Cohn and in turn been blessed with his generosity. One is syndicated New York Columnist Jack O'Brien, who never knowingly passes up a chance to say something nice about his friend. O'Brien holds a minority interest in a Cohn-controlled radio station at Atlantic City, N.J. Other newsmen enjoy recurrent Cohn favors, and Cohn in turn has had, with few exceptions, a consistently good New York press. In some instances his series of vendettas directed at Morgenthau have been given greater play than the news of his indictments. Ever Cohn's enemies, while sneering at his business judgments, concede his mastery of the art of space-grabbing.

...Far more impressive than his press-agency is Cohn's skill at moving among the seats of power and influence in government and politics. He was briefly present at Miami during the G.O.P. Convention, and at the Chicago

...Ex-FBI man Louis Nichols triggered transfers of three agents who helped the Cohn prosecution.



During the McCarthy hearings in 1954, young counsel Roy Cohn (left) exchanged pleasantries



Ex-FBI man Louis Nichols triggered transfers of three agents who helped the Cohn prosecution.



He would become one of the warm-
blooded Senator, Frank Dirksen.

attention he and a companion
simply appropriated the vacant
been assigned to, of all people,
the McCarthy.
on's most active political puppets,
ceremonious dumping by Demo-
in the Missouri primaries last
ward V. Long, the rotund sen-
caught misusing his investigating
help Jermster Boss Jimmy Hoff-
friend Lewis Rosenstiel and his
Bolen, were all received gra-



and, the late Lewis Rosenstiel lived
\$100,000 a year, plus stock options.

Spurs when they testified publicly before
Long's subcommittee in early 1965 about al-
leged harassment by Post Office Department
and Internal Revenue Service agents. Robert
Kennedy had been Attorney General at that
time, and Cohn and Bolen took this oppor-
tunity to potshot at him. In those days, Ken-
nedy shared equal billing with Morgenthau on
Cohn's roster of demons.

Long's efforts on Cohn's behalf were amply
rewarded. Cohn arranged for one of his Chi-
cago banks to make an unsecured loan for
more than \$100,000, repeatedly renewed, to
help finance the senator's chain of high-inter-
est small loan companies in Missouri.

Cohn also found a job for Long's son-in-
law, Frank Miller. It was quite a job for a
young man just out of the Navy: chairman of
the board of the Guaranty Bank, starting Oct.
1, 1967 at an annual salary of \$17,500. For
this, Miller put in roughly one day a month at
the bank. By the following spring some of
Cohn's banking partners were getting disgust-
ed. On May 31, 1968 the directors cut Miller's
pay back to \$12,000 a year—or \$1,000 per
working day. Six weeks later, as Senator Long
was losing his job and his political leverage in
the primary, they boldly reduced Miller's sal-
ary to \$1 a year. Miller was furious, but by
this time his father-in-law was in a bad po-
sition to do much good, even with Cohn. Final-
ly, to settle the matter, the bank paid Miller
\$3,000 and accepted his resignation effective
Oct. 31, 1968.

In his Illinois banking ventures, Cohn in-
voked the offices of another old friend, Sen-
ator Dirksen, to help select the board for Mer-
canile National Bank. Five directors, includ-
ing longtime Dirksen aide Harold Rainville,
were chosen at a meeting in Dirksen's office.
Later Dirksen wrote Cohn emphasizing the
care taken to select the directors. He wound
up with a note of thanks for unspecified fa-
vors: "You certainly were a jewel when I was
in New York and I am grateful for everything."

Cohn has cultivated a long friendship with
Edwin Weisl, President Johnson's hand-
picked ambassador to New York's Democratic
party. Weisl—a law partner, incidentally, of
Whitney North Seymour Jr., reportedly the
Nixon administration choice to replace Mor-
genthau—is a frequent Cohn luncheon com-
panion. Cohn is often seen with influential
New York politicians. It was on Cohn's yacht
last summer that ex-Tammany Boss Carmine
DeSapio and other Democratic whehens made
their nominations for New York judgeships.

One of Cohn's most powerful and oldest
New York associates was the late Francis Car-
dinal Spellman, whose friendship derived from
their mutual battle against Communism. The
cardinal's nephew, Ned Spellman, still is as-
sociated with various Cohn enterprises. When
Spellman's successor, Archbishop Terence
Cooke, was invested as cardinal in Rome,
Cohn turned up for the ceremonies. Unin-
vited, he also breezed into a dinner for the new
cardinal at a Rome hotel, said hello and left.

The latest and most awesome of Cohn's
power plays has left some potential with

against him badly shaken, and caused a major
undercurrent of bitterness in the FBI's New
York field office.

The trouble shooter in this instance was
Cohn's old friend Lou Nichols. Nichols is al-
most a legend in the FBI, where he served for
23 years, the last 16 as Director Hoover's *de*
facto and deeply some said obsequiously

loyal public relations man with the event-
ual title of assistant to the director. Since Nix-
on's election he has been frequently mentioned
as a successor to Hoover.

During the McCarthy inquiries of the
early 1950s, Cohn, as Senator McCarthy's
chief counsel, had worked closely with Nich-
ols and the FBI in developing cases against sus-
pected Communists. Agents spent week-
screening FBI security files and extracting
them in memos for Cohn during the prolonged
hearings. Through these years Cohn's friend-
ship with Director Hoover also developed, and
this was further cemented by their mutual re-
gard for the multimillionaire boss of the huge
Schenley distillery complex, Lewis Rosenstiel
(Cohn to this day addresses Rosenstiel vari-
ously as "commander-in-chief" or "suprem-
commander" and Rosenstiel refers to his
younger friend as "field commander" or "ser-
geant major").

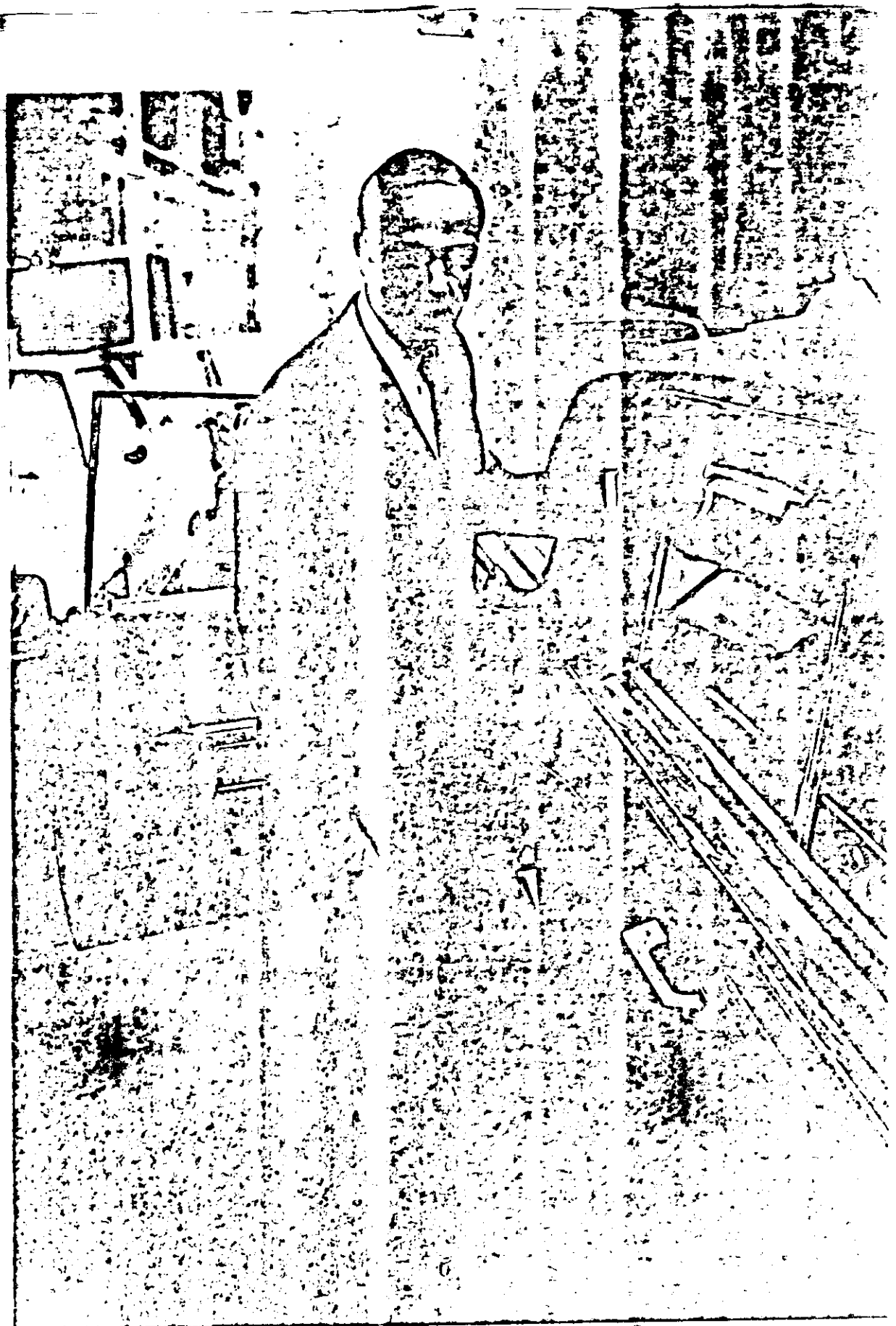
When Nichols decided to retire from the FBI
in 1957, Cohn set out to land him a job with
Schenley. He had the willing support of an
other Rosenstiel friend, the late conservative
columnist George Sokolsky, for whom Nich-
ols represented 100% anti-Communist Amer-
icanism. At a social evening in August 1967
Cohn and Sokolsky agreed to try to sell Nich-
ols to Rosenstiel as prime executive timber.

The next night they made their pitch to Ro-
senstiel. Nichols, Cohn contended, was a ge-
nius, truly "one of the greatest men in Amer-
ica," whereupon Rosenstiel dispatched the
Schenley private plane to Washington to fly
Nichols and his wife to a conference at Ro-
senstiel's Greenwich, Conn. estate. Under
Cohn's continued urging, Rosenstiel agreed to

CONTINUE



Columnist William Buckley got a \$6,000 lo-
an from a Cohn bank after pressure was applie



Roy Cohn's telephone-equipped Lincoln limousine, with license plate RMC, is his, just like his

99-foot yacht and Manhattan town house—but all are technically owned by various corporations.

FOR RELEASE AT 6 P.M.

SUNDAY, AUGUST 31, 1969

From **LIFE** Time & Life Building, New York, N.Y. 10020

LIFE magazine charged this week that FBI Director J. Edgar Hoover personally transferred three agents out of New York City on 36 hours notice after they had helped U. S. Attorney Robert Morgenthau in the prosecution of Roy Cohn.

An article in the magazine's Sept. 5 issue charged that the transfers had thoroughly shaken prospective witnesses against the 42-year-old financier - in his impending trial on charges of conspiracy, mail fraud, bribery, extortion and blackmail, and had even raised questions that the trial would go ahead as scheduled.

The article was written by William Lambert, the Pulitzer-prize-winning reporter who wrote the LIFE article earlier this year exposing the financial arrangements between former Supreme Court Justice Abe Fortas and convicted financial manipulator Louis Wolfson.

In this week's LIFE article Lambert explored Cohn's relationship with many prominent persons, including Secretary of Commerce Maurice H. Stans, Illinois Senator Everett M. Dirksen, and newspaper columnists William F. Buckley, Jr. and Jack O'Brian.

The article described how:

- * Commerce Secretary Maurice Stans participated in a Nixon fund raising affair organized by Cohn -- where Cohn's contribution was three bad checks for \$9,000 and a request that U. S. Attorney Morgenthau be replaced.

- * Illinois Senator Everett Dirksen helped choose the board of Directors for a Cohn-controlled bank in Chicago -- and one of his aides was included.

- more -

* Newspaper Columnist William F. Buckley managed to get a \$65,000 loan to buy a yacht from a Cohn-controlled bank -- but only after a bank official who objected was fired.

* Newspaper Columnist Jack O'Brian holds a minority interest in a Cohn-controlled radio station in Atlantic City.

Lambert wrote that FBI Director Hoover had ordered three of his agents out of New York because they had given Morgenthau affidavits in the case against Cohn -- but had failed to submit copies in advance to Washington.

The affidavits refuted charges by a convicted thief, Milton (Mannie) Pollack, that Morgenthau's office had offered to help him get a pardon if he would help entrap Cohn. Cohn had submitted Pollack's statement to the court earlier this year to support a motion to dismiss the indictment against him.

"Bureau men are accustomed to being ordered around in a fairly peremptory way," Lambert wrote, "but such disciplinary transfers usually have a gloss of logic. This time the men were being moved for doing what in essence they were paid to do -- helping a U. S. Attorney protect his case.

"The ensuing rumble of protest was so loud that it could be heard even outside the Bureau, which virtually never happens. Morgenthau was furious. He confronted Assistant FBI Director John F. Malone, the top man in the New York field office, and Malone promptly reported the confrontation to Washington.

"The next day Hoover personally directed the New York field office to inform the three wayward agents that they now had until midnight the following day -- 36 hours in all -- to report to their new stations, which they did."

The three agents were identified by Lambert as Donald Jones, Russell Sullivan, and Jack Knox.

Jones and Sullivan, Lambert wrote, "were oldtimers with the Bureau, considered to be among the best agents in the New York office's organized crime and anti-racketeering section," Knox, he said, "was a relative newcomer."

"Although they all knew Pollack," Lambert wrote, "none of the three agents had been assigned to the Cohn case. Indeed, the FBI was singularly uninterested in investigating a known friend of the director's."

Cohn and Hoover have been friends since the 1950's, Lambert wrote, when Cohn was chief counsel to the late Senator Joseph McCarthy of Wisconsin and made extensive use of FBI files in searching for communists in government.

To bring about the transfer of the three agents, Lambert wrote, Cohn used his influence with Lou Nichols, a former assistant to Hoover. Through Cohn, Nichols had been placed in 1957 in a \$100,000-a-year executive position at Schenley Industries, Inc.

At Schenley's, Lambert wrote, Nichols kept up his contacts with Hoover and the top echelons of the FBI. He was instrumental in setting up the J. Edgar Hoover Foundation and in subsidizing the publication of two books about the FBI. He participated prominently in President Nixon's campaign, and since the election has been mentioned frequently as a possible successor for Hoover.

"It was not until last April that Nichols had an opportunity to show his gratitude for Cohn's favors," Lambert wrote in LIFE.

"The agents' affidavits were filed with the court last April. Cohn promptly turned his copies over to Nichols, who charged into the Washington headquarters of the Bureau demanding that the agents be censured.

"Nichols recently told LIFE that he thought the agents had acted improperly and that he felt the FBI headquarters 'ought to know about it.'

"Hoover personally ordered the three agents transferred out of New York. On May 2, each received a letter of censure and was given 30 days to report to his new post -- Jones to go to St. Louis, Sullivan to Louisville and Knox to Pittsburgh."

After Morgenthau learned about and protested the transfers, Lambert wrote, Hoover ordered them to report to their new stations the very next day.

"Needless to say," Lambert wrote, "the episode not only added luster to the Cohn legend but thoroughly shook up some of Morgenthau's witnesses. If Cohn through Nichols could bring about the arbitrary transfer of three FBI agents, what chance had an ordinary citizen?"

"Word leaked out of the U. S. Attorney's office that Morgenthau was having a hard time convincing prospective witnesses that the Cohn prosecution was going ahead as scheduled by the court."

- 0 -

Wayne Phillips
Life Publicity
212 556-4424

Ray M. Cohn was able to use his influence with J. Edgar Hoover to have three agents of the Federal Bureau of Investigation censured for co-operating in the prosecution of Mr. Cohn, the current issue of Life magazine is reported.

The three agents who helped Robert M. Morgenthau, U.S. States Attorney, were transferred out of New York City on 36 hours notice after Louis Nichols, a friend of Mr. Cohn who had been a high F.B.I. official, charged that the Washington law firm of the agents demanding that the agents be censured," the magazine said.

The transferring of the agents after they have the Government affidavits in the Cohn bribery conspiracy case became public on June 20.

Life, in its issue dated Sept. 8, which was released Sunday night, said:

"Hoover personally ordered the three agents transferred out of New York. On May 2, each received a letter of censure and was given 30 days to report to his new post."

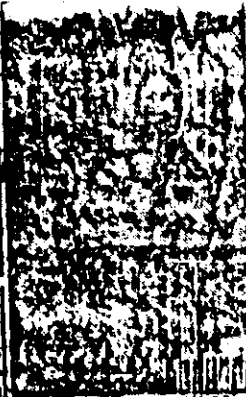
When Mr. Morgenthau complained, Life magazine said, "the next day Hoover personally directed the New York field office to inform the wayward agents that they now had until midnight the following day—36 hours in all—to report to their new stations, which they did."

The F.B.I. declined in Washington to comment on the case yesterday. Mr. Morgenthau, Mr. Cohn and Mr. Nichols could not be reached for comment on the Life report.

Bus Line Involved

The case involves Mr. Cohn, a New York lawyer and promoter and former protégé and aide of the late Senator Joseph R. McCarthy, and three others. It stems from the affairs of Fifth Avenue Coach Lines when the city was taking over the bus service in 1962.

At one time Mr. Cohn was a director of the bus line and his



Ray M. Cohn

law firm, Saxe, Bacon & Boland, was counsel to the company.

Last November Mr. Cohn was indicted on charges of paying a \$75,000 bribe to an unnamed official in connection with the affairs of the bus line.

The Life magazine article mentions Mr. Cohn's protest motions to have the case dismissed. As part of this attempt, he offered an affidavit by Milton Pollack, an ex-convict, who said that Mr. Morgenthau had ordered him transferred from a state prison to the Federal House of Detention to help get affidavits against Mr. Cohn.

Pollack swore that the Government prosecutors had asked him to use electronic listening devices to get evidence against Mr. Cohn. Pollack said that he refused to do the job.

In rebuttal, the Government offered the affidavits of the three F.B.I. agents, who said they had talked to Pollack and that Pollack had not the Government had suggested that he would like to use electronic eavesdropping equipment against Mr. Cohn.

The agents were Donald E. Jones, with 24 years' service, and Russell F. Sullivan, with 15 years' service, both of the organized crime unit, and Jack D. Knox, with six years' service,

and James M. ... Their affidavits were filed in court last April. The magazine said in an article written by William Lambert and labeled "Investigative Report."

Mr. Cohn gave his copies of the affidavits to Mr. Nichols, a former assistant director of the F.B.I. who retired in 1957, but maintained his friendship with Mr. Hoover, the magazine said.

When Mr. Nichols left the F.B.I., Mr. Cohn, according to the magazine, helped him get a position with the Schenley liquor complex.

Regulation Is Close

It was Mr. Nichols, the magazine said, who took the agents' affidavits to the F.B.I. in Washington.

"Nichols recently told Life that he thought the agents had acted improperly and that he felt F.B.I. headquarters 'ought to know about it,'" the magazine reported.

The magazine said that Mr. Jones was transferred to St. Louis, Mr. Sullivan to Louis-

burgh. The agents were said to have been transferred because they violated an F.B.I. regulation requiring Washington to approve the filing of affidavits.

Life said: "This time the men were being moved for doing what is routine that was paid to do—helping a U.S. Attorney protect his case."

"Needless to say, the episode not only added fuel to the Cohn legend but thoroughly shook up some of Morgenthau's witnesses. If Cohn charged Nichols could bring about the arbitrary transfer of three F.B.I. agents, what chance had an ordinary citizen," the magazine said, adding.

"Word leaked out of the U.S. Attorney's office that Morgenthau was having a hard time convincing prospective witnesses that the Cohn prosecution was going ahead as scheduled by the court."

So far, the magazine said, Mr. Cohn had failed to block investigation of his case and delay his trial.

What I wish to say now is in response to the statement you have just read to me, and deals exclusively with the matter in which I have been subpoenaed here today, and my belief that I am a target of this investigation.

I have spent a professional life-time working for and cooperating with agencies of our government. As an Asst. United States Attorney in this District, I prosecuted dope-peddlers, counterfeitters and subversives including the Rosenberg at-m-ray ring and the second string Communist-Party leaders. This work was commended by the United States Commissioner of Narcotics, the Chief of Secret Service, and J. Edgar Hoover, Director of the F.B.I. My work with Grand Juries was similarly productive including the investigation that led to the dismissal of 32 American Communists from the United Nations Secretariat. My cooperation with these agencies continued while I was Special Asst. to the U.S. Atty./Gen. for Internal Security, and Chief Counsel to the Senate Investigations Subcommittee. In private practice, I have and do represent law enforcement officers, often without charge. It is important to me to have noted these facts as reflecting my beliefs and attitude. I

I respectfully submit that almost since the present administration of this office came into being, I have been the target of an unrelenting vendetta, and my being subpoenaed here today is as a target of this current investigation; namely:

1. Over a period of years, virtually every legal associate I have has been questioned and investigated.

2. Many of the clients of my firm have been subpoenaed, investigated and harassed, threatening my ability to practice my profession.

3. Just about every bank I deal with has been subpoenaed because of me, leading to substantial damage to my credit and ability to conduct business, and occasioning difficulty and disorder in my financial affairs.

4. My mail has been intercepted by direct order of this United States Attorney's office. The mail of my attorney who was coming to prepare my defense was intercepted by this office. What this United States Attorney's office did to me was condemned by the Federal Court in this District as "shocking" as "cracking of Russia not the United States." Even so unusual an ally as the Civil Liberties Union condemned this office's conduct toward me, as did most editorials in the country.

3. I have been called before at least 4 different Grand Juries--with newspaper "leaks" attending some of the appearances.

6. Before one Grand Jury, I was asked 4,851 questions--and was indicted in 10 counts. A press release heralding my indictment was given out by this office, before I was notified of the indictment.

7. Hoodlums, prospective defendants--any category over whom this office has had a sword--have been offered 'deals' and incentives if they could say something unfavorable about me. Even a defendant who has testified for the Government was jailed and another threatened with jail because they did not condemn me.

8. On the other hand, self-confessed criminals with prior records who this office spent years and countless dollars in prosecuting for swindles they committed, have been walked out of this Courthouse without a day in jail on the recommendation of this office, because they gave testimony against me--even though the trial jury obviously disbelieved them.

9. Testimony which gave the actual facts and was favorable to me was deliberately withheld from the Grand Jury by this office, including the testimony of Hazard Gillespie of Davis, Polk--who was U.S. Attorney under Eisenhower, served as Pres. of the N.Y. State Bar Association, and was Morland Commissioner under Governor Rockefeller.

10. Despite all this, and after two trials which took their toll on me financially, and on my family and friends emotionally, I was acquitted on each and every one of the 10 counts of the indictment.

11. My acquittal was just a signal to start in on me all over again. No less than 10 Internal Revenue Agents worked directly with this office to attempt to get something on me. The squad of Internal Revenue Agents was followed by a group of S.E.C. Agents who are still working with this office--once again with me as a target. I don't know how much time and hundreds of dollars of taxpayers' money have been expended on this project, and I realize it sounds like it can't happen here--but it has--to me.

12. This particular investigation, in which I have been subpoenaed today, has been more of the same. My law associates, clients, banks, have all been put through the mill because of me. Subpoenas have been served in the middle of a Chicago Board of Directors meeting on lawyers available in New York. I am advised

that the prosecutor has told a witness and lawyer that "90% of American businessmen are crooks"--related to the forthcoming "trial"--threatened a young school-boy working for my firm with interfering with a Federal officer. When the boy delivered a letter requesting return of documents--negotiable collateral and records of which there are no copies--have been seized--and now I am subpoenaed and asked to cooperate in the vendetta which has already put me through a series of grand jury investigations and two criminal trials. I don't think the Constitution or anything or anyone else expects me to assist in this latest investigation in which I am a target, and I shall not do so.

Gabe Perle

Bill Lambert

OFFICE MEMORANDUM

These are the suggested revisions given me by Mulligan, in his own handwriting, clipped to the sheets which he proposed joint revising.

ME

TIME • LIFE • FORTUNE • SPORTS ILLUSTRATED • ARCHITECTURAL FORUM • HOUSE & HOME

To E. K. Thompson

OFFICE MEMORANDUM

From Snyder, Washington

Date March 6, 1961

PERSONAL AND CONFIDENTIAL

Last Saturday I got a phone call from Mr. Kennedy asking if I could drop whatever I was doing and come to his office. I did, and when I got there he closed the door and told me the following: in a back room was a high official of the Teamsters, a man who had been privy to the inner workings of the organization since 1953. He was particularly knowledgeable about Hoffa. This official is honest, said Kennedy, and also quite an idealist. The man had been working directly with Kennedy and in secret for the last two years. He was now so disillusioned and disgusted with the corruption he saw all around him, particularly as concerns Hoffa, that he has just about decided to make a public break with the union. Kennedy said he had suggested to this man that he make his break via an article in LIFE in the form of a personal expose of Hoffa. Kennedy asked my personal word that for the moment only you and I would know of this matter. Kennedy feels, perhaps melodramatically, perhaps not, that the man's life would be in danger if word leaked out of his intentions. I told the Attorney General that if you were interested in this man's story, and if we did go ahead, more and more people at LIFE would have to become involved. Kennedy understood this, but pointed out that if we are ~~not~~ interested, then only two people, as he put it, that he personally knows and trusts, will have had to know about it. I gave my word. He also asked that if we do want to go ahead, or at least look into the possibilities, in other words when we have to pass the point of only you and I being involved, we let him know first. I said we would.

more...

ME

TIME LIFE PUBLICATIONS

E.K.T.

OFFICE MEMORANDUM

From: Swidan

Date: 3/6/61

Page -- page two.

At any rate, here's the story, as related to me by this fellow after a cloak-and-dagger shift of scenery, involving Kennedy slipping up out through back corridors, a drive by roundabout route to the guy's home in Virginia, and the assigning to me of the code name "Brown."

Sam Baron is this gentleman's name. A small, distinguished man of 58 with flowing white hair and gray moustache, he has been deeply involved in the labor movement or allied liberal causes since 1930. His present title is Field Director of the Warehouse Division, a position in the executive hierarchy just below the executive board. Baron came into unionism through Dave Dubinsky's garment workers, and right away, he says, he encountered graft. Sam was in the investigative division, and he discovered that his own department head was in collusion with New York gangsters. The department head tried to discredit him with the higher brass, but most of them were honest and they backed his desire to prove what he suspected. Despite both threats and bribery attempts, says Sam, he did, and his boss and a half-dozen other department heads were fired.

In a couple of years Baron became involved with the white collar organization drives in New York, and 1935 saw him president of the Bookkeepers, Stenographers and Accountants Union. It was at this juncture that he encountered another in what he describes as a series of major challenges in his life. This one was communism. Baron was a socialist and very much opposed to the communists and especially their spreading influence in the labor movement. He has some stories about clashes he and the commies had which don't add anything to this summary, save

ME

more...

OFFICE MEMORANDUM

From: Snyder

Date: 3/6/61

3 - page three.

to make the point, which Kennedy screamed to me, and which Baron quite modestly conveys, that he is both an idealist and a fighter for what he believes in.

At any rate, the Spanish civil war broke out, and in 1937 Sam went over in the dual role of reporter for several labor papers and as official observer for the Socialist party. He became a friend of Hemingway's, and together, says Baron, they witnessed the growing communist influence in the loyalist cause, and began to feel that many young Americans in Spain were being pathetically caught up in the clash between this communist influence on the one side and, of course, the Facists that the Americans had come to fight. More idealism, more soul-searching, brushes with the communists, including an attempt on his life, then, in 1939 out of Spain. Four years in New York where he tried his executive hand in a labor relations firm. He was finally hired in 1942 by the Textile Workers. His stint with them lasted until 1953, when Harold Gibbons, with whom he was developing a close friendship, asked him to come into the Teamsters. Baron accepted, and has been with them since.

"I've been in continuous association with and continuous clash with Jimmy Hoffa ever since the day I went to work," says Sam. "One of the first things he ever said to me (perhaps he'd heard that I despised dishonest union officials) was: 'Don't think you're going to stop the boys from making a fast buck, because you're not!'"

Baron, who of course hasn't been the first one to do it, calls Hoffa "the most dangerous man in America." He says only someone like

more...

OFFICE MEMORANDUM

From: Snyder

Date: 3/6/61

Page Four

himself who has seen Hoffa operate from the inside can fully realize the "evil" of the man.

Says Baron: "Hoffa certainly has had as bad publicity as anyone around, but a lotta time it gets balanced off or rationalized away. 'Well maybe he isn't the most ethical guy around, but he's done a lot for the rank and file Teamster,' or 'He's a pretty rotten cookie, but personally he seems real nice. He doesn't smoke or drink, and he lives in a very modest house, and he's a devoted family man.' These people who say that would have been interested to see Hoffa the day after Victor Riesel was blinded. I think it happened around midnight in New York. Jimmy had an eight A.M. meeting with some of us in Chicago. Jimmy broomed into the room, makes straight for me and says gleefully, holding his finger in my chest: 'Hey Sam, a buddy of yours got it last night.' I asked him what he meant and he said: 'Your buddy, Victor Riesel, someone threw acid in his face. The son-of-a-bitch should have had it thrown on the hands he types with too.' Then Hoffa gave a big belly laugh. A few minutes later he got a call from O'Rourke in New York. Jimmy was saying to him, 'Boy, that's sure a shame about Riesel. I hope they got the bastard that did it.' When he hung up someone asked him since when had he developed all this fast sympathy for Riesel, and Jimmy said, 'Don't be stupid, you know that phone's tapped.'"

"Or some of his supporters should see the pleasure Jimmy takes in trying to humiliate other human beings to enhance his own ego. I was at a conference in his office in Washington not long ago, and one of

END...

AME

OFFICE MEMORANDUM

From Snyder

Date 3/6/61

Page five.

the people present was Edward Bennett Williams. Hoffa was flipping through some mail, and all of a sudden, in front of everyone, he takes one letter and, without looking up from his desk, throws it on the floor. He said: 'Take care of that Williams.' Some of these people in the organization are totally dependent on Hoffa, and have to take that s_____ from him, but Williams just got up, didn't say a word, and just walked out of the room.

"Another time right in the middle of a big meeting, when I was disagreeing with him on a point, Hoffa suddenly jumped up from the table. When he gets really mad, he gets all red in the face, and his eyes glare and you can see his facial muscles working. 'Mornesh _____!' he screams at me. 'What the f_____ do you know about anything. You're a f_____ing square!'"

Baron says he's been able to live with his hate of Hoffa because he believes strongly in the labor movement and what he (Baron) can contribute. He feels that the Teamsters Union particularly needs honest officials, and he regards himself as that. He says he believes that Gibbons, though more of a "pragmatic operator" is honest and feels the same.

He says the reason he thinks Hoffa has never tried to get rid of him is twofold: Baron is Harold Gibbons' boy and Hoffa badly needs Gibbons; Baron is highly competent and also extremely popular with the rank and file, and Hoffa is acutely aware of this.

"Jimmy hates my guts. I don't know how many times he's stressed this in front of my colleagues. Time and time again he's said to me in front of them: 'Listen Baron. You depend on me for your job. I can take it anytime I want.'"

MORO...

TIME

TIME • LIFE • FORTUNE • SPORTS ILLUSTRATED • ARCHITECTURAL RECORD

OFFICE MEMORANDUM

From: Baron

Date: 3/6/61

3 -- page six.

Of specifics regarding corruption, Baron says this: "I know of so much. My God, I'll bet Jimmy Hoffa has a couple of million dollars stashed away somewhere, but knowing about some of these things and proving them is another matter."

"Now for instance, I could write for you in detail the mechanics of how his election was rigged. It was rigged so tight what happened in Miami was no more an expression of the rank and file than I don't know what. I know how it was rigged -- I saw it happen, but I can't prove it. Of course I don't think he had to rig it. If the rank and file had had a voice, I believe they'd have elected him. And I'm sure they will in this next election."

"I can talk about the intricacies of the Florida land business and the wiretap case."

"I'd like to reveal how he operates. Once in the early days of the later rackets committee he called me in and closed the door. 'Baron,' he said, 'go downstairs to your office and burn all your records on such-and-such a matter and such-and-such a matter,' and I told him I had no reason to and had nothing to hide, and I locked up my records and refused." (Later, Baron turned over many things to Kennedy, including documents)

"I can talk about the Cheasty bribery case. After he got it set up, in what he thought was a foolproof way, he was going around bragging about having Cheasty 'on the committee and in my pocket.' That bribery was typical of a Hoffa operation. On anything that might cause trouble he works only in cash and there's no records of anything."

ME

TIME • LIFE • FORTUNE • NEWS

mor ...

OFFICE MEMORANDUM

From: [illegible]

Date: 3/6/61

10 -- page seven.

"The public should know that he tries to own anyone he can. Some columnists submit copy on him before it's published. I was right in the room when I saw Jim Bishop do it.

"I have talked at length to some of the wives of teamster officials, and they have some interesting things to say. Many are disturbed at what's happened during the last couple of years. Some have talked to their husbands often about the rightness or wrongness of what's going on in the union. Some accept and defend it, and others act as their husbands' consciences. It's a fascinating interplay.

"I believe I could take your readers on quite a behind-the-scenes tour. Hoffa living in the very inexpensive home and driving the old car but right in his pocket most of the time is a roll of at least five thousand bucks.

"Hoffa the quiet family man contrasted with the ruthless image of him one night in the Woodner Hotel when he did such a job on Barney Baker because he didn't like his testimony before Bob Kennedy that he screamed and yelled at him like a madman and said things you don't say to another human being. Nobody in the Woodner nearby could sleep that night. Next day Baker had a heart attack.

"Well, I've had enough. Now the monitors are out, and Hoffa will be re-elected in June. His power is going to be absolute and if he ever acquires the domination over all transportation that he wants it will be an evil thing.

more...

FILE

OFFICE MEMORANDUM

8/6/61

100 -- page eight.

"You know, it's a terrible decision I face. I've pretty well decided to make this break. I'll be accused of selling out, of being a traitor and an informer. My family will suffer. But I really believe in the bottom of my heart that I will do the Teamsters and the labor movement more good than harm.

"I'm going to decide very shortly whether or not to make this break (another reason for Kennedy's caution -- if, as is unlikely, Baron doesn't break, all this, of course, must never get out) but if I do, I'll tell you everything I know. I'll go the whole route on this story."

Are you interested in pursuing this further? A lot of what he says has been said in so many places before. The expose stuff sounds interesting, but to me at least, pretty undocumentable and therefore probably very libelous. But the more personal stuff on what Hoffa is like and how he behaves sounds pretty good. The basic situation of a fairly high Teamster official breaking publicly because of the corruption he's seen all around him is quite dramatic, and if he does it through us, it could be quite a piece. What he wants to do, if you show initial interest, is sit down and write something rough on his own. He's very verbose and my worry here would be that such a document might still not help you reach a final decision. You might prefer to have a collaborator go to work with him from the start. At any rate, he'd probably be agreeable to anything you suggest. Incidentally, did not discuss money at all.

more...

OFFICE MEMORANDUM

Page nine and final.

course this guy has an eye to, and so, as you of
does Bobby Kennedy (see the Kennedy-Hoffa cartoon in
News of the Week in Review section of the Times).
way, that's the story. If you'd like to have Graves or
text writers go into this more deeply with Baron, still
exploratory basis, I'm sure Kennedy and Baron will buy

identally, since I gave the assurance I wouldn't handle
by phone, except in the most general way, could you res-
or. Please be sure the envelope is plainly marked P&C
trust BJ completely, I do want to keep my bargain with
her husband is in the Justice Department.
st regards.

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(L)

EXHIBIT

LIFE

1200 CONNECTICUT AVENUE, N. W.
WASHINGTON 25, D. C.

EDITORIAL OFFICES
Telephone 7-8000

Thursday

Dear Ed:

I told Kennedy of your high interest and he is delighted. He makes the suggestion that the piece go into Baron's background and philosophy somewhat, to help explain his disgust with Hoffa and his motivation for breaking with the Teamsters. Kennedy believes deeply that this is not a case of sour grapes, but of a man acting out of conscience and principle. Kennedy thinks the break will be understood better in light of his total life in the labor movement.

Bob agrees that a ghost writer makes good sense, and is agreeable to Graves and a writer you trust being brought into the picture at this point.

Baron is out of town at the moment, but Kennedy thinks he'll be willing to return when I tell him we want to proceed. I assume you'd like to crank this up pretty quickly, so would you let me know who'll be doing it and when you'd like Baron back here to go to work. Since you'll only be talking about a writer and a date, I see no reason you can't phone me on this point.

Best,

Mank

Mank Snydman

(M)

NEW YORK

Nixon vs. the City's Top Crimefighter

By Peter Maas

"The Nixon Administration's directive brought to a head the bitter and stupid infighting in law-enforcement circles that may wind up with local organized crime laughing all the way to the bank."

Earlier this month Robert M. Morgenthau, U.S. Attorney for the Southern District of New York, received a confidential directive from Will Wilson, the Nixon Administration's new Assistant Attorney General in charge of the Criminal Division. Wilson's directive had been in the works in Washington for several weeks, during which time it had been passed around to a number of interested parties to get the phrases properly shaped, the language just right. But when it was finally sent, despite all the literary effort, the directive boiled down to one crude fact: Morgenthau was to disband his Special Prosecutions Unit, the heart of his enormously effective federal-level operation against organized crime in Manhattan, the Bronx and adjoining upstate counties. It also brought to a head the increasingly bitter and stupid infighting in law enforcement circles over the last six months in which all the participants swear daily to their commitment against organized crime—but which may wind up seeing organized crime around here laughing all the way to the bank.

The ostensible reason for the elimination of Morgenthau's unit is to make way for a "super" federal strike force against organized crime in the city; the force is scheduled to begin operations, as things now stand, in July. It is in fact the latest and most important strategem in a series of politically-motivated maneuvers designed to drive Morgenthau out of office, and is

thus causing grave doubts about the authenticity of the Nixon Administration's highly publicized plans to go after the Cosa Nostra and its criminal associates.

There are 93 U.S. Attorneys around the country; 92 of them are political creatures. Morgenthau is the exception. Traditionally, U.S. Attorneyships are choice patronage plums for an incoming national administration, and none is more choice than "New York South," as Morgenthau's district is called. Despite this, he got the job in 1961 practically over the dead body of the local Democratic machine; indeed, only when Robert F. Kennedy, as Attorney General, put it on the basis of a personal favor did the late Bronx boss Charles Buckley finally bow to Morgenthau's appointment.

Nor is a Republican administration the first to try to get rid of him. Lyndon Johnson kept Morgenthau on simply because Kennedy, by now a senator, promised a nasty, public fight if he didn't. The man Johnson reportedly wanted in his place was the son of Edwin L. Weisl, Johnson's crony and then Democratic National Committeeman from New York. Subsequently, Johnson attempted several times to get Morgenthau to resign by offering him a federal judgeship.

Now Nixon has inherited him. Normally a U.S. Attorney's four-year term coincides with that of the President who picked him. But Morgenthau quit in 1962 to run as the Democratic can-

didate for governor of New York. After he lost, he was reappointed by President Kennedy in 1963, reappointed again by Johnson in 1967—and, as a result, his present term in office isn't up for another two years. Initially he was a bit vague about whether he would resign if "they" did not want him to stay on; in the last couple of months, however, his attitude has stiffened considerably. "I have too many important cases pending to leave now," he has told friends on a number of occasions recently. Among these cases—which he fears might not be followed through vigorously—are such sensitive ones as those involving wheeler-dealer Roy Cohn, former Tammany boss Carmine De Sapio and fraudulent financial dealings between segments of the nation's business community and Swiss banks.

It is this apparent decision by Morgenthau to stay put that has Republicans so furious. Even before the Nixon Administration officially took over, the Morgenthau problem was thoroughly examined. The situation is rare and the legalities, to say the least, are muddy. Attorney General Kennedy fired a U.S. Attorney, an Eisenhower appointee whose term extended past the 1960 election, but the man in that instance chose not to fight and the matter never came to a head.

At first the new hierarchy in the Justice Department just hoped that Morgenthau would go away on his own. Besides, Mayor Lindsay and Gov-

Why was New York selected for the first 'super strike force'? Why not start with a city where they really need one?

error Rockefeller—In another of their content feuds—couldn't get together on the initial choice to replace Morgenthau, former State Senator Whitely North Seymour. Seymour was especially objectionable to Manhattan oop leader Vincent Albano, and Rockefeller sided with him. The man Albano wanted for the post was Paul J. Curran, currently Chairman of the State Investigations Commission. Lindsay finally went along with Curran, and Senators Javits and Goodell eventually fell into line. After that had been resolved the phones started ringing—and never stopped—in the offices of both Javits and Goodell. The question is always the same: When the hell is Morgenthau going to be forced out? It is quite understandable. Among other things, there are more than 70 Assistant U.S. Attorneyships presumably up for grabs the day Morgenthau departs!

There is nothing personally about Curran to indicate that he is not capable of doing a respectable job as U.S. Attorney for New York South. But his selection by the oop to succeed Morgenthau raises some pertinent questions about just how partisan the office ought to be allowed to become. It handles, for instance, around 10 per cent of all the criminal cases tried in federal courts today. Not only is Curran an Albano protégé, but he is himself a former Republican district leader. His father, Thomas Curran, was Manhattan oop leader before Albano, and before his death was also Roy Cohn's law partner. This alone puts him in an exceedingly awkward position in view of the forthcoming federal prosecution of Cohn which young Curran, were he to replace Morgenthau tomorrow, would be supervising.

All this, of course, is speculative. What is not speculative is the way Washington finally decided to dispose of Morgenthau. Instead of taking him head-on, the grand strategy became one of bypassing him, of so emasculating his operation that he would wind up quitting in disgust or discouragement.

The key to this strategy is the super strike force against organized crime here which will operate independently of Morgenthau. The idea is an out-

growth of the strike forces initiated under Attorney General Ramsey Clark. These are units of federal anticrime agencies that move in coordinated fashion into areas that have especially bad organized-crime problems. By and large they have been sent to places where, to put it bluntly, the local U.S. Attorney was not up to snuff.

The strike force for the Southern District goes beyond this in that it will formally include local law enforcement officials. It will be led by Daniel Hollman, an able Justice Department attorney who presently runs one of the old strike forces that has been active in Brooklyn for more than a year. While all the details have not been worked out, Hollman will chair a council that at this writing is supposed to include top Justice Department men from the Criminal Division in Washington, Morgenthau or his successor, Manhattan District Attorney Frank Hogan, Bronx District Attorney Burton Roberts, State Attorney General Louis Lefkowitz, Police Commissioner Leary, John Malone, the special agent in charge of the FBI's New York office and a representative still to be chosen from the Treasury Department.

One of the council's chief functions will be to decide who gets jurisdiction in a particular case. Hollman's staff is being recruited in large part from the agencies listed above, although it will be paid out of a special Justice Department appropriation. The super strike force is described by its adherents as a pilot project which, when the bugs have been worked out, will be applied elsewhere in the country. The argument being put forward in its behalf is that it will result in a centralized intelligence operation that will really have racketeers on the run.

Less easily explained away is why Morgenthau's Special Prosecutions Unit has to be dismantled to insure the new strike force's success in fighting crime. In this area Morgenthau's entire operation has been aggressive, resourceful and successful beyond comparison with the record of any other U.S. Attorney in memory.

Indeed, last December, to the acute embarrassment of a Nixon Administration not yet installed and already

trying to plot Morgenthau's removal, the details of a secret report by a House Republican Task Force on Crime leaked out which specifically praised Morgenthau's effectiveness in combating organized crime. The report also recommended that Morgenthau be kept in office "well beyond the normal period" of his service.

As can best be established, the general outline of the new strike force began to be developed in March. Will Wilson, the Justice Department's new Criminal Division chief, is known to have had at least one private meeting about it with District Attorney Hogan. Another meeting in the early stages also included Wilson, Attorney General John Mitchell and Mayor Lindsay. Significantly, Morgenthau was left out of all these preliminary talks.

Wilson appears to be the prime mover of the project. He is a renegade Democrat, a former Texas State Attorney General in Lyndon Johnson's camp. It is said that he broke with Johnson and switched to the oop when Johnson tried to block his efforts to go after swindler Billie Sol Estes, whose connection with a number of major Democratic figures has never been fully brought out into the open. One of Wilson's pet theories is that law enforcement officers affiliated with the Democratic Party cannot or will not deal with corruption in big-city Democratic machines.

In Morgenthau's case, this is the worst kind of hypocrisy. Not only has he energetically pursued his investigation into the affairs of Carmine De Sapio, whose trial is scheduled for this fall, but he has a long string of indictments and convictions against individuals closely identified with Democrats, including such prominent party contributors as financier Louis Wolfson.

There is some suggestion that Morgenthau's highly independent ways helped turn the Nixon Administration off on him. "What they fail to realize," says William Hundley, former chief of the Justice Department's Organized Crime Section, "is that he treated his own party exactly the same—and it didn't matter whether the Attorney General was Kennedy, Katzenbach or Clark. He would phone me about

Morgenthau vs. the Mafia

1975 1st New York strike force put in place by Robert Morgenthau, New York City District Attorney, against the Mafia. Morgenthau's men either obtained convictions or have cases pending against five lieutenants and 47 soldiers in the Genovese family, with particular emphasis on narcotics traffic, labor racketeering and stock frauds. One conviction—that of informer Joseph Valachi—eventually triggered shock waves through the Cosa Nostra that are still being felt.

The main Cosa Nostra family active in his area was led by the late Vito Genovese. Morgenthau's men either obtained convictions or have cases pending against five lieutenants and 47 soldiers in the Genovese family, with particular emphasis on narcotics traffic, labor racketeering and stock frauds. One conviction—that of informer Joseph Valachi—eventually triggered shock waves through the Cosa Nostra that are still being felt.

Against a second Cosa Nostra family in New York headed by the late Thomas (Three-finger Brown) Luchese, he has put away the family's consigliere, or counsel, five lieutenants and 16 soldiers. One of the Luchese lieutenants he convicted was Anthony (Tony Ducks) Corallo, the loan shark who had his hooks into a member of Mayor Lindsay's inner circle, James Marcus.

Morgenthau has moved successfully against members of the Profaci, Gambino and Bonanno families. His record against the Lucchese family:

Name	Date of Indictment or Conviction	Offense	Sentence or Status
Consigliere (Counsel):			
Vincent John Rao	1965	Perjury	5 years
Caporegime (Lieutenants):			
John Orlando	1962	Narcotics	40 years
Anthony Corallo	1962	Obstruction of justice	2 years
	1967	Conspiracy to violate anti-racketeering statute	3 years
	1969	Interstate travel for the purpose of extortion	Trial pending
Carmine Tramunti	1964	Contempt of court	Served 3 months
James Plumeri	1963	Income Tax	2 1/2 years
	1963	Conspiracy to obtain kick back from union welfare fund	Trials pending
John Dioguardi	1966	Bankruptcy fraud	5 years
Brutons (Soldiers):			
Salvatore Menardi	1962	Narcotics	15 years
Victor Pansia	1961	Narcotics	5 years
Angelo Tattarone	1961	Ball jumping	2 years, 8 months
Angelo LaCorte	1962	Narcotics	20 years
Anthony DiPasqua	1961	Narcotics	Trial pending
Anthony DiPasqua	1964	Narcotics	12 1/2 years
Frank Dioguardi	1966	Narcotics	15 years
Anthony Ciccone	1962	Narcotics	Fugitive
Daniel J. Motto	1969	Conspiracy to violate anti-racketeering statute	2 years
Anthony Caruso	1964	Contempt of court	Served 3 months
Antonio Pansia	1964	Contempt of court	Served 2 months
Salvatore Schiavone	1964	Contempt of court	Served 3 months
Thomas Plumeri	1966	Bankruptcy fraud	3 years
Vincent Focanza	1967	Conspiracy to transport stolen travelers checks	5 years
Americo Spagnuolo	1967	Conspiracy to transport stolen travelers checks	5 years
Anthony Mirra	1962	1) Narcotics 2) Assault of Federal officer	20 years 2 years

something he had in mind and I'd say, 'Why call me about it? You know you're going to do whatever you want to do anyway.' Of course he could be difficult, but anybody with any sense put up with it because he's so good."

In this vein, Morgenthau once had to attend a conference in Washington when Katzenbach was the Attorney General. It turned out that Katzenbach was coming to New York that night to attend a President's Club dinner. The two men flew up together and Morgenthau dropped him off at the dinner.

"Why don't you come in with me?" Katzenbach said.

"No," Morgenthau replied, "I better not. I have about half the people in there under investigation."

While the new strike force for New York South may look good on paper, there have recently been increasing doubts about its effectiveness among those who first went along with the idea. One reportedly is Police Commissioner Howard Leary. Another is Manhattan District Attorney Frank Hogan, who at this late point still has not signed a memorandum committing his office to the project. A number of law enforcement people, including some who will be in the strike force, privately worry about how it will affect the informant system, on which law enforcement, for all the talk about bugs, taps and ace detective work, primarily depends. As one of them told me, "An informant may trust Hogan, for instance, and not Morgenthau, or vice-versa. It's going to be something else again when word gets around that all this information is going to be formally pooled."

Even if the super strike force is everything it is cracked up to be, a large question remains: Why was the Southern District of New York selected first? In sum, despite all the admitted duplication and an occasionally ridiculous competition, the law enforcement effort here by both federal and local agencies against organized crime is as good as it is anywhere in the country.

What's wrong with starting in New Orleans, where organized crime has a stranglehold on the city? Or Kansas City, where over a year ago the U.S. Attorney actually requested a strike force? Or Cleveland, where the situation is equally desperate?

The answer is that the first object of a strike force in New York South is not organized crime at all, but to knock off Robert Morgenthau. ■

First Hanover Former Executive Indicted Over Sale of Defiance Industries Stock

By a WALL STREET JOURNAL Staff Reporter

NEW YORK—A Federal grand jury indicted Frederick H. Brooks, former vice president of First Hanover Corp., for fraud.

The case involves the sale of 60,000 Defiance Industries Inc. common shares apparently made by Roy Cohn to a group of First Hanover officers last year. Mr. Cohn, a controversial lawyer and New York businessman, was an aide to the late Sen. Joseph McCarthy.

The indictment charges Mr. Brooks with:

—Transmitting a "false and misleading news release" on June 5, 1968. The release said "a group of private investors" had that day acquired more than 60,000 Defiance common shares "in a cross sale on the floor of the American Stock Exchange at \$9 a share."

—Falsifying testimony before the Securities and Exchange Commission. In that testimony, Mr. Brooks said he and two associates each had bought about one-third of the more than 60,000 Defiance shares at \$9 a share.

—Making "false and misleading statements of material facts" and failing to include required information in statements filed with the SEC.

—Using the mails to defraud.

The indictment said Mr. Brooks and two unidentified associates arranged to buy the Defiance shares, originally for \$10 each. When they asked the American exchange for permission to effect the transaction, they were refused. The indictment said that after being refused, the purchasers bought the stock on the exchange for \$9 a share. But, added the indictment, they arranged to make additional, undisclosed payments for the stock.

The indictment didn't identify the Defiance shares as those belonging at the time to Mr. Cohn. But on June 6, 1968, the day after the alleged transaction, The Wall Street Journal reported Mr. Cohn had sold 63,100 Defiance common shares at \$9 a piece.

Small, Private Investors

The sale of Mr. Cohn's stock was reported by First Hanover Corp., which said "a small group of private investors" who couldn't be identified, had bought the shares at \$9 each. Robert Gardner, then senior vice president of First Hanover, made the disclosure at that time.

It was reported later in 1968 that a group of First Hanover officers, including Mr. Brooks, had bought the Cohn stock. Abraham D. Sofaer, assistant U.S. attorney, who presented the Brooks case to the grand jury, wouldn't identify the other buyers and wouldn't confirm that Mr. Cohn's stock was the stock involved in the indictment.

During summer 1968, the First Hanover group waged a proxy fight to gain control of Defiance.

In October, the First Hanover group withdrew from the proxy fight and gave El-Tronics Inc. an option to buy their Defiance common shares, which then numbered 169,182. It was believed the First Hanover group withdrew because they weren't in a strong position to wage a proxy fight. In September, the Securities and Exchange Commission had ordered an administrative proceeding based on staff charges that First Hanover and several officers and former officers and employees had violated antifraud laws in transactions unrelated to Defiance.

In April 1969, after a hotly contested proxy fight, Victor Minsat, who owns a controlling 28.5% of Defiance's shares, and El-Tronics each acquired half the seats on Defiance's board.

In June, the two sides agreed to settle their differences with a merger of Defiance into El-Tronics. The terms called for the exchange of one El-Tronics common share for each Defiance Class B common share. (The class involved in the Brooks indictment) and 2,060 El-Tronics common shares for each Defiance Class A share.

Last week, the two concerns announced their shareholders will meet separately Sept. 8 to vote on a merger along the lines proposed in June.

Both Mr. Minsat and Mr. Brooks had previously been associated with Mr. Cohn in business ventures.

Alleged Hidden Payment Plans

All charges made against Mr. Brooks in yesterday's indictment relate to the hidden payments allegedly planned by the purchasers. The indictment doesn't say any such payments were ever turned over to the selling, presumably Mr. Cohn. It does say, however, the buyers "did in fact pay" to Mr. Brooks "additional consideration in behalf of" the seller.

If convicted, Mr. Brooks could receive a maximum jail term of 10 years and a maximum fine of \$32,000, said Mr. Sofaer.

The Brooks indictment is the latest in a series of charges brought against former officers and employees of First Hanover. The previous charges, however, are apparently unrelated.

Besides the administrative proceeding brought in September 1968 by the SEC, three First Hanover officers had sanctions imposed on them last February by the SEC. The officers involved were Alfred M. Lerner, president, Robert L. Gardner, vice president, and Elliott Gold, vice president and treasurer.

In March, Joseph Davis, former manager of First Hanover's Hollywood, Fla., office, was suspended by the SEC for five months.

In July, a Federal grand jury handed up a nine-count indictment charging First Hanover and a Longview brokerage firm, their presidents, and a Houston industrial concern with violating Federal securities laws as part of a 1966-67 takeover attempt of Holly Sugar Co.

First Hanover sold its assets in July to First Devonshire Corp., a Boston-based Big Board member. First Devonshire, in effect, ended up with three of First Hanover's former New York offices, the former main branch in New York plus three outposts and Miami Beach.

U.S. Files to Collect \$385,769 From Cohn and Two Associates

By EDWARD BANTAL

The Government filed suit yesterday in Federal Court seeking to collect a \$385,769 judgment against Mr. Cohn and two associates who promoted championship boxing matches in 1961.

The judgment, growing out of income taxes owed by Ingemar Johansson, the Swedish fighter, was obtained almost a year ago. Feature Sports, Inc., whose president was William D. Fugery, a travel agent and once a close friend of Mr. Cohn, was the defendant.

Mr. Cohn's law partner, Donald E. Baker, was treasurer of Feature Sports and Mr. Cohn a major stockholder.

Assistant United States Attorney Richard M. Hall said the purpose of the suit was to transfer the corporation liability to Mr. Cohn and his two associates.

Mr. Hall said the action had been authorized by the Commissioner of Internal Revenue and the Director of the Attorney General of the United States.

Cohn Trial Due Sept. 23

Mr. Cohn, a 42-year-old lawyer and financier, is scheduled to go to trial in Federal Court here on Sept. 23 on charges of conspiracy, bribery and extortion arising from the construction of the Fifth Avenue bus company.

The one-time thief caught as a Senate subcommittee headed by the late Senator Joseph R. McCarthy had accused United States Attorney Robert M. Harbo of conspiring to a bribe and extortion to get him to quit work.

Mr. Cohn's wife, who has been indicted about the same time, is also charged with conspiring to bribe and extort with the same purpose.

Asked why the Government chose this time to file the liability suit, Mr. Hall explained that the Government had information that a transfer of \$35,000 in corporate assets was about to take place and could only be stopped by court order.

Feature Sports was set up to promote the March 13, 1961, championship heavyweight fight in Miami Beach, in which Mr. Johansson was knocked out by Floyd Patterson. The suit said that the corporation held funds for Mr. Johansson to pay taxes.

Business Transferred

Because of "heavy debts," the Government said, Mr. Cohn and his associates transferred the business of Feature Sports to five newly formed corporations, including Championship Sports, Inc., of Massachusetts and of New York.

The transfer of assets, the Government contended, deprived Feature Sports of the ability to pay its debts and was a "fraud on the creditors of Feature Sports, including the Government."

Mr. Hall said the only assets remaining was \$35,000 held by Championship Sports of Massachusetts and New York.

Unless the corporations are restrained from disposing of the assets the possibility exists, the suit said, that the assets will be transferred "to third parties to defeat collection of the liability."

The suit asked that the court restrain the three principals from transferring or disposing of any corporate assets and to hold the three personally and jointly liable for the \$385,769 judgment.

The judgment against Feature Sports was entered in Federal Court on May 22, 1968, for taxes owed by Mr. Johansson to the Government for 1961 and 1962.